

# Chesapeake City, Maryland



**User's Manual**

October 1998

# CHESAPEAKE CITY ■ USER'S MANUAL

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# CHAPTER ONE

## INTRODUCTION

**T**he Town of Chesapeake City is endowed with a picturesque, tranquil, and scenic setting. Its location on the shores of the Chesapeake and Delaware Canal offers the ideal backdrop for a small town. Many of the existing structures in the downtown area are historic, dating from the Nineteenth and early Twentieth centuries. This early architecture gives the Town a distinct character, a key reason why it has become a favorite tourist attraction. With this aspect in mind, it is therefore relevant to maintain this distinct character not only for the obvious reasons concerning economic vitality but also for the continued maintenance and attractiveness of the Town. The local government initiatives undertaken by the officials of Chesapeake City are aimed at preserving the unique flavor inherent to the area. This goal is accomplished through *local government institutions, standards, and procedures* juxtaposed to the fundamental ideologies of *smart growth, sound development, preservation, and protection*. These ideologies are expressed in the Town's *Comprehensive Plan*, a standard for future growth activities.

The Comprehensive Plan is the “big picture,” intended to direct growth and define the appropriate type of expansion for Chesapeake City and its surroundings. In essence, the Plan is designed not only to satisfy the requirements of *Maryland's Economic Growth, Resource Protection, and Planning Act of 1992* but also to support the preservation and promotion of the

values and distinct qualities within the Town. The vision for Chesapeake City is simple. By the year 2015, the Town desires to firmly establish the area as the Eastern Shore's most culturally-enriched, historically-significant, aesthetically-pleasing, and moderately-growing safe small town. Furthermore, the Town intends to offer the area's highest quality family housing, family-oriented events and activities, unique shopping experiences, the finest inns, the best casual and gourmet dining, and outstanding marine facilities. In the accomplishment of this “vision”, the Town must also maintain a picturesque and historic quality or focus. Clearly, preservation, revitalization, and renewal are the foremost objectives of the Comprehensive Plan. But in order to accomplish the “vision” for Chesapeake City, the Plan requires two important components that relate to procedural implementation. The *Zoning Ordinance* and the *Subdivision Regulations* are key pieces of the procedural process. In essence, the *Zoning Ordinance* supplies the legal apparatus for the implementation of the Comprehensive Plan, while the *Subdivision Regulations* are an element of development control central to the achievement of the communities' design objectives. Both outline what is permissible and what is not.



The C&D Canal offers an ideal backdrop for a small town

# CHAPTER TWO

## THE COMPREHENSIVE PLAN

**T**he Comprehensive Plan is the official statement of the Mayor and Town Commissioners of Chesapeake City, setting forth policies concerning desirable future growth, which serves as a general guide to public and private restoration and development decisions. Once adopted, it becomes the basis for the preparation of specific policies, programs, and legislation, such as zoning, historic district layout, and subdivision regulations. The Comprehensive Plan represents a structure for growth activities and allows the local government institution to direct growth according to the Town's best needs and interests. The Plan is comprised of several major elements, which include:

An *Introduction* outlining the fundamental ideologies, principles, and required State guidelines that the Comprehensive Plan intends to meet and accomplish.

A chapter on *Community Characterization*, which outlines the historical background of the Town and supplies an overview of the socio-economic conditions presently in existence.

A *Land Use Element* that supplies structured recommendations. These recommendations concern land use and encompass residential, commercial, industrial, public/semi-public, parks, open spaces, and designated growth areas. Generally, considered the most important

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part of the Comprehensive Plan, future growth regarding these areas are outlined by the local government and structured accordingly.

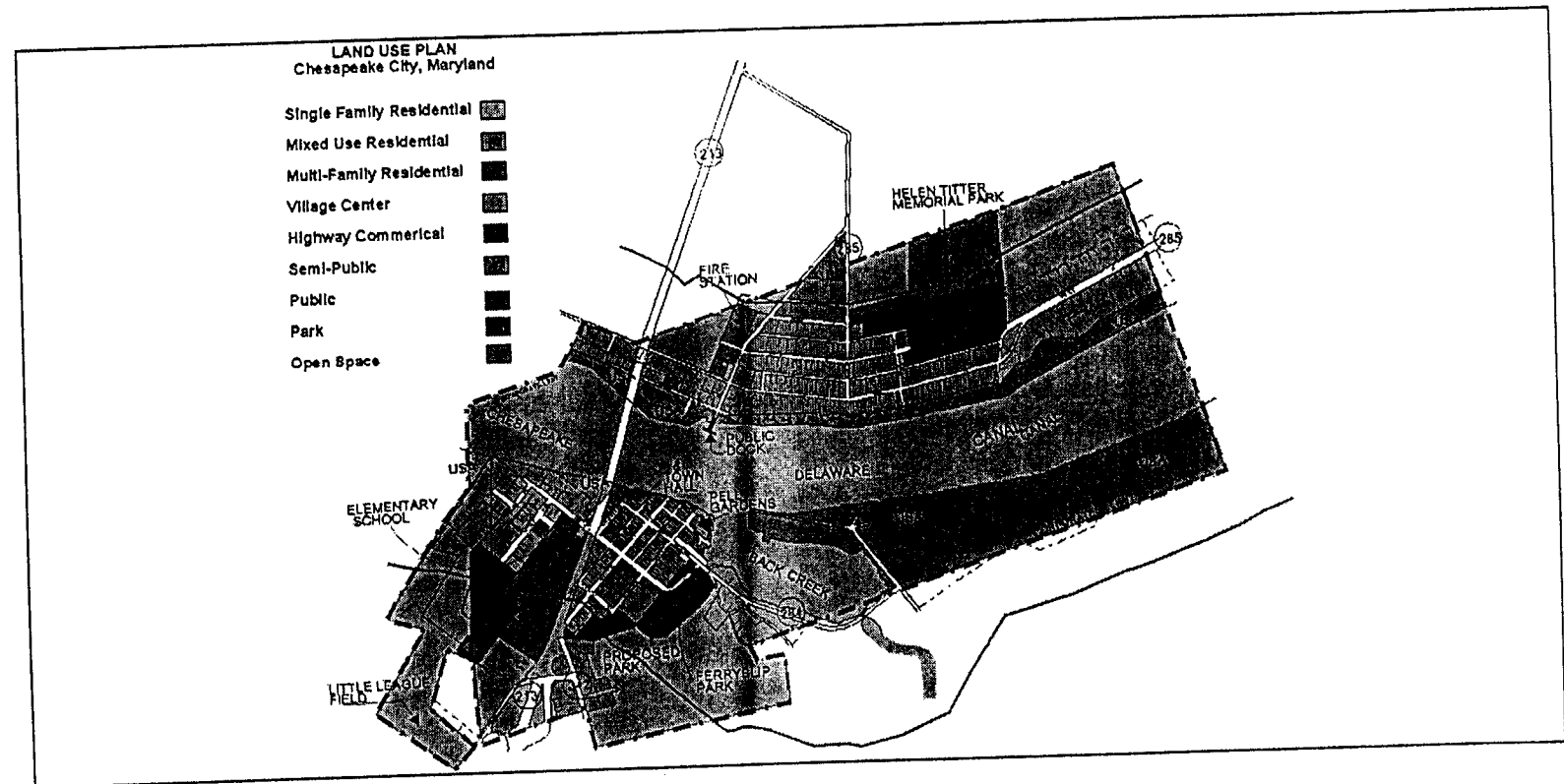
A *Transportation Element* detailing the location and major transportation issues that exist in Chesapeake City. Furthermore, this element supplies a functional classification of roadways and a list of facilities that can be utilized for transportation purposes, such as commuter trains, buses, and specialized transit services. The most important piece of this element outlines designs and recommendations for future growth regarding transportation issues. The *Transportation System Design* is an overview of street standards. This supplies recommendations for the pragmatic utilization of existing structures in order to defray the extensive capital costs to local government involved in the maintenance of roadways. This aspect also adds to the scenic beauty of the Town and allows for more convenient and safe pedestrian travel.

A chapter devoted to *Natural Resources and Sensitive Areas* that supplies a background of existing natural resources and the best means to preserve these areas. Furthermore, this section deals with important and necessary state criterion. The State of Maryland under the *Maryland Economic Growth, Resource Protection and Planning Act of 1992*, requires that the Comprehensive Plan include a *Sensitive Areas Element*, which will describe how the Town intends to protect streams and stream buffers, 100-year floodplains, habitats for threatened and endangered species, and steep slopes. In addition, the Town must also meet certain criterion

regarding the *Chesapeake Bay Critical Area Protection Program* (Natural Resources Article 8-1801-8-1816) and the *Forest Conservation Act of 1991* (Natural Resources Article Sections 5-1601-5-1613). In the latter, both are designed to minimize impacts on existing natural resources.

An *Historic Features Element* outlining the evolution of Chesapeake City and a list of existing historical structures. This section also clearly defines the principle objectives of the *Chesapeake City Historic District Commission*, which is to work closely with owners of historical properties in order to encourage maintenance,

restoration, and compatibility with existing streetscape. This section also supplies recommendations for the continued preservation and protection of the Historic District. Subsequently, it offers a list of existing programs designed to aide in the classification of historic sites and a segment devoted to economic incentives provided by the *Maryland Historical Trust*. In addition, this section describes the new state trend concerning *Heritage Tourism*. In 1996 the Maryland Legislature passed *House Bill 1*, entitled *Heritage Preservation and Tourism Areas*. In essence, this legislation authorizes grant and loan funds for the planning, design, development, preservation, restoration, interpretation, marketing, and programming



of *Certified Heritage Areas*. Furthermore, the legislation expands the local jurisdiction's authorized income tax credits for qualified rehabilitation of properties included within the boundaries of a *Certified Heritage Area*. This new and innovative technique adds credence to preservation and restoration through the economic engine of tourism.

A *Community Facilities Evaluation* that provides a list of existing resources and recommendations for future growth. This listing includes: Water & Sewer, Town Hall, Fire and Police Protection, School Facilities, Library Services, Parks & Recreation, Greenways, Health Services, and Day Care Services.

A *Housing Element* that supplies recommendations for the improvement of existing housing conditions. Incorporated within this segment is a list of possible economic programs that will allow for community redevelopment and present possible avenues for consideration by the Town of Chesapeake City. Most of these programs are administered by the State of Maryland's *Community Development Administration*.

A chapter devoted to *Implementation*. This element seeks to analyze and bring forth recommendations concerning administration, enforcement, inter-jurisdictional cooperation, and most importantly the implementation of the Comprehensive Plan's goals and objectives. Furthermore, the *Implementation Element* seeks to stimulate the minds of local government officials by observing new trends and innovative techniques in the planning realm, such as Traditional Neighborhood Development, Performance Standards, Landscape Requirements, Environmental Performance Standards, Transportation Concepts, Regulatory

## CHAPTER TWO ■ THE COMPREHENSIVE PLAN

Streamlining, and Development Design Standards. The effective implementation and evolution of these important factors ultimately will rest in the hands of the local government institutions of Chesapeake City, which will supply the enforcement and administration apparatus.

### THE COMMUNITY AND THE COMPREHENSIVE PLAN

The key question then becomes: Who does the Comprehensive Plan serve and what does it mean for the community involved? In order to answer this question effectively, one must look at the three groups most affected by the adoption of a Comprehensive Plan: the Public, the Developer, and the Planning Commission. Each depends on the other to achieve the goals and objectives set forth in the Comprehensive Plan. In essence, this interdependency is needed to enact the "Visions" set forth by the Town of Chesapeake City. The cooperation and understanding of the inherent fundamental principles within the Plan are key concerns that require the dedication of all groups involved in order to understand the rules, regulations, and ideologies behind the document.

Those sections pertaining to legal regulations will be discussed under the Zoning Ordinance and the Subdivision Regulations. Because the Comprehensive Plan deals mainly with the philosophy of structured development, this segment will focus primarily on the ideological aspects and relationships to the aforementioned groups above.

## NOTES TO THE PUBLIC AND DEVELOPERS

The fundamental ideology surrounding the Chesapeake City Comprehensive Plan is the need for a “quality community.” This will not only benefit the residents of the Town but also will enable Chesapeake City to become a desirable growth center. A quality community is one that offers a unique sense of place with clearly defined boundaries surrounded by open spaces. In essence, it is pleasing to the senses. Quality communities are places of harmonious diversity and a home for people of all ages, incomes, race, and ethnic backgrounds.

A quality community includes trees, lots of shade trees and trees along streams. They offer many positive environmental benefits. Trees along sidewalks and in parking lots also should be encouraged because they serve a dual purpose; protection for the environment and the aesthetic community value of pleasurable surroundings. Furthermore, juxtaposed to the value of pleasant outdoor surroundings, architecture also should seek to maintain this focus.

Architecture has a cognizant role in the creation of quality neighborhoods. People enjoy living among buildings that are beautiful and hospitable, buildings that harmonize their surroundings. All of our citizens young and old should be able to see the reminders of our community’s heritage and take pride in it. The preservation of historic buildings preserves our sense of history. These historic resources should be valued and preserved as worthy reminders of the past therefore blending well with the surrounding natural environment.

Design, both site and architecture should strive to create pleasant outdoor spaces. It is a basic human desire to feel a sense of enclosure and warmth. Outdoor spaces convey this sense of enclosure such as public squares and small parks. Within the enclosure, buildings form the walls, trees form the ceiling, and open spaces form the decorum.

Parks should be encouraged because they will help to awaken a new neighborhood spirit and appreciation for nature. These parks will provide for both active and passive recreational pursuits such as playgrounds, basketball hoops, tennis courts, play areas, picnic tables, and shelters. Parks can become a focal point for neighborhoods, where community at large can congregate and share in the interaction and communication of day to day life. Community parks should also be enhanced to meet the recreational needs of a growing population.

Although, we are planning for concentrated growth in the Chesapeake City area, we need to respect nature. Places with critical environmental limitations must be preserved and protected for the welfare of posterity.

Quality neighborhoods are well maintained and safe. Maintenance is often the chief difference that distinguishes communities of character from slums. Rigorous attention to maintenance is a necessity and policing that emphasizes public order, helping to maintain the social environment inherent within the quality community. These combined elements form the heart and soul of the community and are reflected in the “Visions” of the Comprehensive Plan. (Any additional information on the aspects of “quality community” can be located in the *Comprehensive Plan for Chesapeake City*, Chapter 9-Implementation, pages 77-79)



NOTES TO THE PLANNING  
COMMISSION

The Developer must be aware of the focus towards a “quality community” and this must be reflected in all new development. Subsequently, development should gear it’s efforts to enhancing, protecting, and preserving the quality of life in Chesapeake City. This means adhering to the fundamental ideology of the whole, expressed in the Comprehensive Plan. Development should be correlated within the overall Growth Management scheme of the State, County, and Town. Furthermore, the Town will seek to follow this principle as well in order to maintain a balance for future growth. The elements of the Comprehensive Plan will place an emphasis on the people.

An understanding of the human scale when planning for new neighborhoods, industrial centers, employment, and shopping areas will insure a community for the people. This includes providing for pedestrians, ensuring lots of trees grow in the community, and encouraging human interaction by allowing stores and houses to locate close together and within walking distance. In essence, this means encouraging development design that will not preclude transit in the future nor detract from the existing aesthetic value of the surrounding community. (The areas of important focus and detail for developers can be located in the *Comprehensive Plan for Chesapeake City*, Chapter 9-Implementation, pages 77-93 FOOTNOTE.)

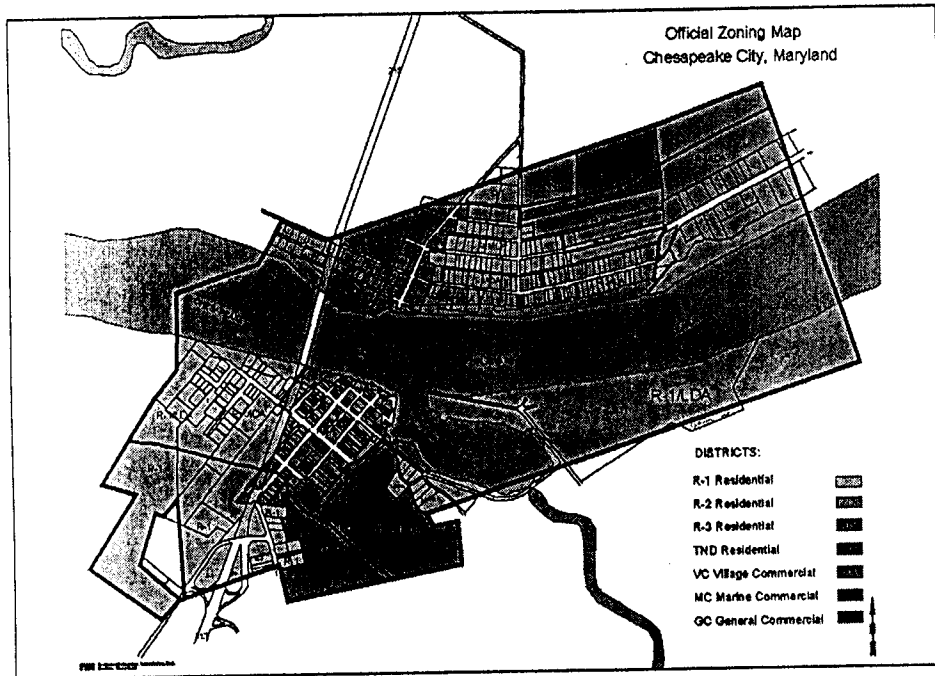
By characterizing local resources, identifying local values and needs, and developing a strategy to ensure that the needs and values of the community are met, the Town of Chesapeake City has developed it’s Comprehensive Plan. The Plan represents the Town’s map for addressing growth and development issues that are important to the our future quality of life. Although there are goals and objectives in each of the Plan’s elements, the overall “vision” for the Town is critical in directing community decisions.

As Chesapeake City and the surrounding environs grow and change over the next twenty years, this Comprehensive Plan will serve as a guide for making public and private decisions regarding the Town’s growth and development. This Plan presents a future vision of Chesapeake City evolving into the year 2017, along with recommendations for bringing that vision to fruition. The ideas of the Plan are a distillation of the community’s many desires, tempered by what seems feasible and reasonable. Furthermore, this Plan is not intended to be a static document. It should be reviewed and updated periodically in order to reflect new development trends, shifts in economy, or changes in the community’s goals and objectives.

Chesapeake City finds itself surrounded by a landscape that is rapidly changing. The large land holdings that surround the Town are relatively intact and development pressures now exist from encroaching subdivisions and other development activities in the unincorporated areas surrounding the community. This

Comprehensive Plan particularly addresses the preservation and enhancement of Chesapeake City's special qualities and the rural historic character of the Town. This sense of uniqueness and pride of place are the guiding forces and strongest motivations for those who have contributed to the realization of this document. The Comprehensive Plan is an element of policy. Furthermore, the most important section of the Plan for the local government is the *Land Use Element* because it describes the process in which the Town of Chesapeake City intends to direct this future development growth.

# CHAPTER THREE



## THE ZONING ORDINANCE

The Zoning Ordinance is a legal document by which the community manages the use of land. It acquires legitimacy and authority from the *General Assembly of Maryland*, as provided in *Article 66B, Annotated Code of Maryland*. The purpose of the Zoning Ordinance is to implement the goals, objectives and recommendations of the Comprehensive Plan and the criterion contained in the *Maryland Growth Management, Resource Protection and Economic Development Act of 1992*. The primary objectives of the Zoning Ordinance are to promote

the health, safety, order, convenience, and general welfare of its citizens in accordance with present and future needs.

No existing or proposed building or other structure may be erected, moved, added to, enlarged, or structurally altered, and no excavation for any building or other structure may begin until the Planning Commission or Zoning Administrator has certified that such action is in compliance with the Chesapeake City Zoning Ordinance (See Article IV, Section 36). The Zoning Ordinance applies to all of the incorporated portions of the Town with the possible exception of federally owned lands.

The Zoning Ordinance applies to almost every aspect of land use and development within the community. In this context it is important to be aware of two key definitions (Note: Article II contains most definitions, but some are located in other sections of the ordinance). They are:

**Development or Development Activities (includes the term "develop")** - Any construction, modification, extension or expansion of buildings or structures; placement of fill or dumping; storage of materials; land excavation; land clearing; land improvement; or any combination thereof, including the subdivision of land or action that results in construction, modification, extension or expansion of buildings or structures; placement of fill or dumping; storage of materials; land excavation; land clearing; land improvement; or any combination thereof, including the subdivision of land.

**Structure** - anything, other than a fence or retaining wall, constructed or erected which requires location on the ground or attached to something having a location on the

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ground, including but not limited to advertising signs, billboards, mobile homes, and pre-fabricated homes.

The Official Zoning Map is included as part of the Zoning Ordinance (See Article II, Section 13). The Official Zoning Map divides the Town into seven Zoning Districts which regulate the location of residences, trades, industries, and buildings erected or altered for specific uses. These zoning districts include:

**R-1: Single Family Residential District** - This district is intended to provide for low-density detached residences and other supporting uses. It comprises the first part of the Town's residential section and is located where low-density single-family development patterns have been established or where services and facilities are adequate to meet anticipated public demand.

**R-2: Mixed-Use Residential** - This district is intended to provide medium-density single-family detached residences and comprises the second part of the residential district. The location is determined in much the same manner as the R-1 District but the *Mixed-Use Area* has added benefits. It allows for small limited commercial uses that can provide daily services to the residents located within these communities. In essence, the R-2 allows for Neighborhood Businesses.

**R-3: Multi-Family Residential** - This zone is designed to meet the demands of high density development and consists of a variety of housing types, including: single-family, two-family, duplexes, townhouses, and apartments. In essence, R-3 is zoned to meet the needs of diversity in both affordable housing and lifestyles.

**TND: Traditional Neighborhood District** - The purpose of the Traditional Neighborhood Development District is to require planned additions to the community that incorporate design features reflective of the characteristics of small, older communities of the late 19th and early 20th centuries. The focus of the development design in this district is shifted from the automobile to the pedestrian. Emphasis is placed on the layout of the streets, the building of a variety of housing types with smaller front yards, the appearance of clearly defined streetscapes and orientation to the existing village center. In design terms, traditional communities are characterized by mixed land uses; grid street patterns; emphasis on pedestrian circulation; intensively-used open spaces; architectural character; and a sense of community.

**VC: Village Center District** - The intent of this district is to provide for a mix of land uses that include residential, recreational, and commercial within the established historic district in South Chesapeake City and certain areas in North Chesapeake City. Furthermore, this district requires and promotes the integration of land uses through shared parking, access drives, tasteful signage, and landscaping. The purpose of this integration is to ensure a complementary and attractive setting.

**M-1: Maritime Commercial District** - The purpose and intention of this district is to encourage commercial uses associated with the Town's waterways. Furthermore, the location of the M-1 District will correspond to water oriented areas. The object of the maritime uses is to stimulate further economic development within Chesapeake City for both tourists and residents. Water-dependent structures include: (a) marinas and other commercial maritime structures; (b) public beaches and other water oriented recreation or education areas; (c) new,

expanded, or redeveloped port-related uses; (d) research areas; (e) fishery facilities; and (f) community piers and other related non-commercial boat docking and storage structures.

**GC: General Commercial District** - It is the intention of the General Commercial District to provide for commercial activities that depend on highway traffic for business. These areas are generally retail and service establishments that locate along intense volume highways for accessibility and visibility.

District regulations specify what uses are permitted in each district. Permitted uses and permitted special exception uses are listed by zoning district in a table contained in Article X. Permitted uses ("by-right" uses) and special exception uses (uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location) may be subject to additional regulations. Most of these "supplemental regulations" can be found in Article XI.

The Zoning Ordinance establishes limitations on the height and bulk of buildings, density (permitted units per acre), intensity of uses, minimum yards, courts, and other open spaces with and surrounding buildings. These are the provisions directly the relate to the land use plan objectives for the pattern and intensity of existing and future land use. Most of these provisions can be found in the table contained in Article XII, Section 216.

Additional zoning provisions that apply to all zones are included in "Overlay Districts." These overlay zones, the boundaries of

## CHAPTER THREE ■ THE ZONING ORDINANCE

which are included on official maps, impose special regulations on development in specific areas of the Town. Overlay zone requirements are found in Article IX and include the following special districts:

- The Chesapeake City Historic District;
- The Chesapeake City Critical Area District; and
- The 100 Year Floodplain.

### THE CHESAPEAKE CITY HISTORIC DISTRICT

The state's enabling legislation for historic area zoning and Chesapeake City's Historic Area Zoning Ordinance are clear concerning the purpose of historic zoning legislation. The goal of such legislation is to: "safeguard the heritage of the municipal corporation by preserving the district(s) therein which reflect elements of its cultural, social, economic, political, or architectural history; to stabilize and improve property values in such a district" to foster civic beauty; to strengthen the local economy; and to promote the use and preservation of historic districts for the education, welfare and pleasure of the residents of the municipal corporation."

#### *The Historic District*

The Chesapeake City Historic District was listed on the National Register of Historic Places in July 1974. The District included about 120 structures. A photographic record is currently on file in the Historic District Commission's files.

The map on the facing page shows the location of the Historic Area District in Chesapeake City.

The easiest and safest way to make this determine if a property is located in the Historic District is to call the Town Hall Office and

talk to the Town Manager. The Town Hall Office, located at 109 Bohemia Avenue, is open from 8:30 A.M. to 4:30 P.M., Monday through Thursday and 8:30 to 12:00 noon on Friday. Exact boundaries can be determined from official Zoning Map which is maintained in the Town Hall.

#### *Historic District Zoning*

Section 8.02, Annotated Code of Maryland gives the Town of Chesapeake City the power to designate historic landmarks, and to establish, change, lay out, and define zones which are deemed to be of historic or architectural value. Procedures are established in Article IX, Part II of the Zoning Ordinance deals with the Historic Area District and constitutes the legal basis for the Historic District Commission's work. These include:

Establishment of Historic Area District Boundaries;  
Establishment of Historic District Commission;  
Permit Procedures;  
Standards for Exercising Judgement;  
Special Circumstances;  
Certificate of Approval or Rejection; and  
Ordinary Maintenance.

#### *The Historic District Commission*

The Chesapeake City Historic District Commission consists of seven (7) persons, all of whom, insofar as is possible, are qualified by special interest, knowledge or training in such fields as history, architecture, preservation or urban design. All of the Commission members must be residents of the Town and at least three of the members must be residents of the Historic District Area. The Historic District Commission members are appointed by the Mayor and Town Council.

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As stated in their publication, the Historic District Commission "has as its principal objective to work closely with the owner(s) of an historic property to:

- Encourage that properties be maintained;
- Encourage rundown properties to be restored;
- Encourage additions to be compatible with the existing structure and streetscape;

and by doing so, have the Historic District recognized as a premier example of mid-to-late 19th century architecture in the next decade."

The Historic District Commission meets on the last Tuesday of each month and permit applications must be received seven (7) days prior to the meeting.

#### *Standards for Review of Exterior Changes*

The Commission uses the Secretary of the Interior's Standards for Rehabilitation as a general guide in reviewing requests for exterior change. These standards are as follows:

- Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
- The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

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- All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
- Deteriorated architectural features shall be repaired rather than replaced, wherever possible, in the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures.
- The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

- Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.
- Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architecture, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
- Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

In reviewing applications for exterior changes, the Historic District Commission is required to be strict in its judgement of plans for those structures deemed to be valuable for historic or architectural reasons. The Commission may be lenient in its judgement of plans for structures of little historic value or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding structures in the surrounding area.

The Historic District Commission is not required to limit new construction, alteration, or repair to the architectural style of any one period. An application for work on the exterior of a structure which will improve its appearance and/or increase its value must disapproved.

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### *Design Guidelines*

The Historic District Commission's publication illustrates a representative house to provide the "reader" with a feel of how properly restored house should appear. This illustration is appears in Chapter 5 of this publication.

### THE CHESAPEAKE BAY CRITICAL AREA DISTRICT

The Critical Area District was designed in correlation with the Zoning Ordinance as a means for regulating, protecting, and enhancing water quality and habitat resources within the Town of Chesapeake City consistent with the Chesapeake City Critical Program. The geographic area for which these district regulations apply are those lands and waters located within 1,000 feet of the landward boundaries of all tidal waters and tidal wetlands, designated on the Official Chesapeake City Chesapeake Bay Critical Area Maps. The Critical Area District encompasses the majority of the Town of Chesapeake City.

The Chesapeake City Critical Area Program and the Critical Area District overlay zoning district were established in compliance with Title 8, Subtitle 1800 of the Natural Resources Article, Annotated Code of Maryland and address the requirements of the Critical Area Criteria prepared by the Chesapeake Bay Critical Area Commission. Together they establish special regulatory protection for the natural resources located within the Town's Critical Area.

The Official Critical Area District Map was prepared and maintained in force as part of the Town's Official Zoning Maps. This maps delineates the extent of the Critical Area District corresponding to the Chesapeake Bay Critical Area. The Critical

Area District is broken down into three land use management area classifications, which are as follows:

- Intensely Developed Areas (IDA's);
- Limited Development Areas (LDA's); and
- Resource Conservation Areas (RCA's).

These land use management areas correspond to the definitions established in the Chesapeake Critical Area Criteria. Mapped land use management area classifications are based on land uses established on or before December 1, 1985. Procedures and development standards pertaining to development in the Critical Area District are contained in Article IX, Part III.

### THE PLANNED TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) FLOATING ZONE

The Planned Traditional Neighborhood Development (TND) floating zone provides an alternative development option for areas not already zoned as Traditional Neighborhood Development Districts. The specific locations and conditions for future determination of these districts is not already established on the zoning map, therefore the term "floating zone." The TND floating zone may be "brought to ground" by act of the Mayor and Council with the recommendation of the Planning Commission. The floating zone provides a mechanism for the establishment of the district in appropriate areas, limiting the areas to be zoned and setting conditions that must be met by any development proposal seeking such a designation.

The intent of the TND floating zone is to provide for a mixture of residential types with certain provisions for commercial activities. to serve primarily a resident population.

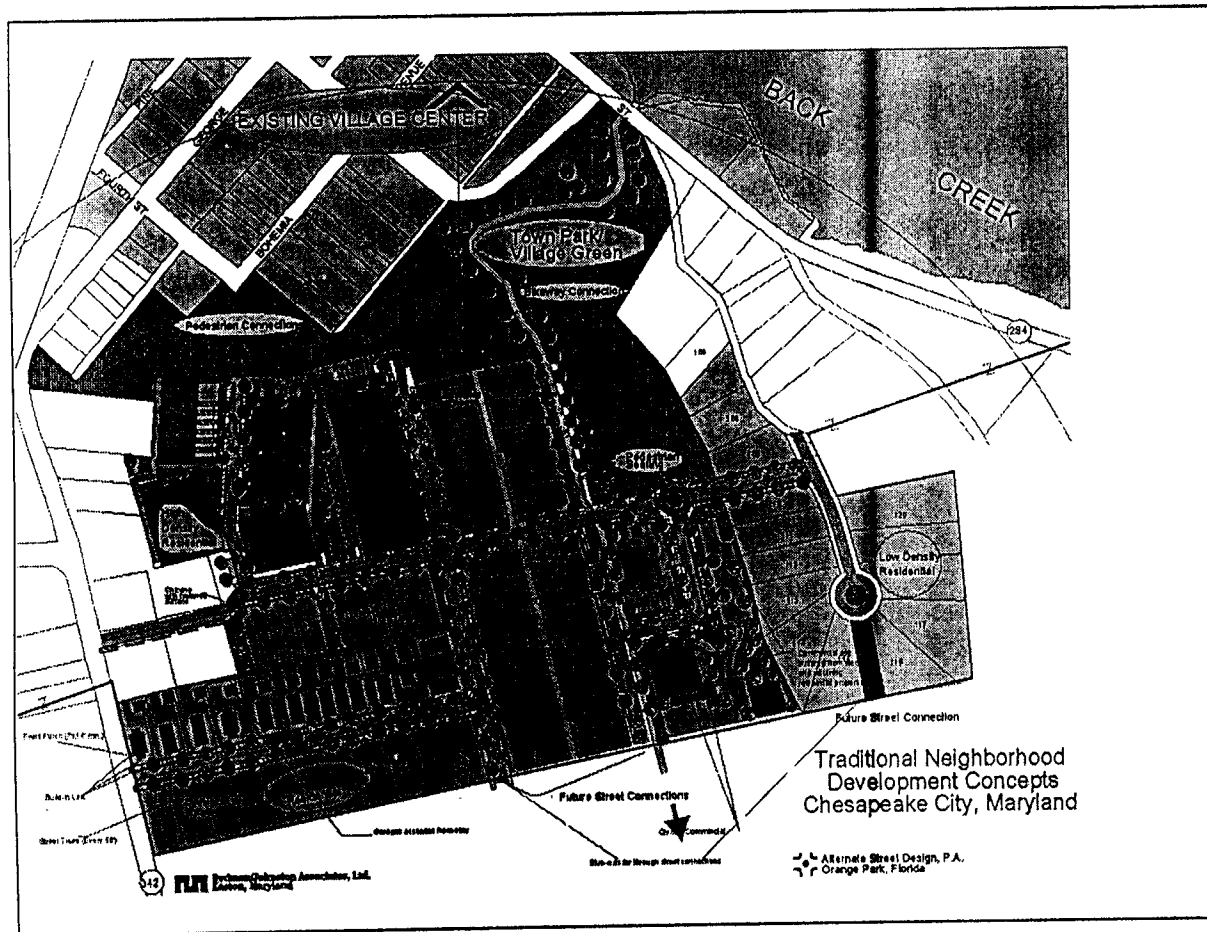


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The TND Floating Zone is intended to achieve certain design objectives, which are:

- Dwellings, shops and workplaces generally located in close proximity to each other; the scale of which accommodates and promotes pedestrian travel for trips within the Town.

- Modestly sized buildings fronting on, and aligned with, streets in a disciplined manner, uninterrupted by parking lots.
- A generally rectilinear pattern of streets, alleys and blocks reflecting the street network of the existing Town which provides for a balanced mix of pedestrians and automobiles.



- Squares, greens landscaped streets and parks woven into the street and block patterns to provide space for social activity, parks and visual enjoyment.
- Promotion of civic buildings for assembly or other civic purposes.
- A recognizable, functionally diverse, visually unified Town center, focused on a village green or square.
- A development size and scale which accommodates and promotes pedestrian travel rather than vehicle trips within the Town.

## NOTES TO THE PLANNING COMMISSION

### Job Description

The Planning Commission has a series of responsibilities pertaining to the Zoning Ordinance. In essence, these responsibilities follow a procedural basis and include:

- **Make studies and recommend to the Town Council plans, goals, and objectives relating to the growth, development and redevelopment of the Town;**
- **Develop and recommend to the Town Council policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;**
- **Review and approval of building Permits;**
- **Make recommendations to the Board of Appeals on special exceptions;**
- **Recommendations to the Mayor and Commissioners concerning capital improvements, such as the development of "park land"; and**
- **Hear and decide applications for land development and approve subdivision plats and site development plans.**

An effective dialogue concerning land use and development in the Town may only occur through the Planning Commission. At its

## CHAPTER THREE ■ THE ZONING ORDINANCE

regular meetings and public hearing, the Planning Commission provides the forum for the public, individual land owners, and developers to petition the Town for consideration in matters related to land use, building and public facilities. Because the Planning Commission must make decisions, some of which may be controversial, it is important to follow established procedures and to institute appropriate measures to insure the record of all deliberations on zoning matters are properly documented. Most of the administrative procedures for the Planning Commission are contained in Article III. They include:

- Establishment of a regular meeting schedule (at least one regular meeting each month);
- Minutes of Planning Commission proceedings;
- Public access to decisions (Sunshine law requirements);
- Notice - property posting;
- Quorum requirements; and
- Election of a Planning Commission chairman and vice-chairman.

### HELPFUL HINTS

The following guidance is provided to insure that the substance, as well as the form, of procedural requirements and record maintenance are addressed by the Planning Commission:

- The record of all Planning Commission decisions should be spelled-out in the Commission's minutes.
- Follow-up correspondence to the applicant that states the Planning Commission decision should be sent out as soon after the meeting or hearing as possible.

## CHAPTER THREE ■ THE ZONING ORDINANCE

- When a decision involves a use that is conditional or requires specific findings, the record should address each specified condition or finding. In effect these conditions or supplemental regulations are a rudimentary checklist for review and approval. For example, Article IX, Part III, Section 131 states, “no development or resource utilization activity shall be permitted until the applicable Town's approving authority, i.e., Planning Commission, Board of Appeals or Town Commissioners shall make specific findings that the proposed development or activity is consistent with the goals and objectives of the Chesapeake City Critical Area Program.” In every application involving development (which is just about everything that comes before the Planning Commission) or resource utilization (e.g., timber harvesting) the record should specifically include a statement that the Planning Commission made (or did not make) this finding.
- Notice of public hearing requirements are specific and can be the basis for having a decision overturned in Court. The Planning Commission is required to conduct a public hearing when considering a recommendation to the Mayor and Council on a revisions to the Comprehensive Plan, the Zoning Ordinance and Zoning Map, the Critical Area Program, and the Subdivision Regulations. Public hearing notice requirements are contained in the following sections:

*Comprehensive Plan* - “Before recommending the adoption of the plan or any part, amendment, extension or addition, the commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given by one publication in a newspaper of

general circulation in the jurisdiction” (Article 66B, §3.07).

*Zoning Ordinance and/or Zoning Map Amendments* - Notice of the time and place of the public hearing, together with a summary of the proposed regulation, restriction, or boundary, shall be published in at least one (1) newspaper of general circulation in Chesapeake City once each week for two (2) successive weeks, with the first such publication of notice appearing at least 14 days prior to the hearing. (See Article XVIII, Section 318)

*Critical Area Program Amendments* - As per Town requirements for ordinance adoptions but in no case less than the public hearing notice requirements for Zoning Ordinance and/or Zoning Map amendments.

*Subdivision Regulations* - “Before any [Subdivision] regulations shall be submitted to the local legislative body [Mayor and Council] for adoption a public hearing shall be held thereon and all such regulations, or if in the opinion of the commission it is best, a brief synopsis of such regulations, sufficient to inform a person of ordinary intelligence of the nature and contents of such regulations, together with the time and place of such public hearing, shall be published once or more, if the commission deems best, in a weekly or daily newspaper of general circulation in such county or municipal corporation. When such regulations are adopted by the local legislative body, a copy thereof shall be certified by the commission to the clerk of the circuit court in which the jurisdiction is located for record” (Article 66B, Section 5.03). Note: Article I, Section 7 of the Chesapeake City Subdivision

## CHAPTER THREE ■ THE ZONING ORDINANCE

Regulations requires that the Mayor and Council, "shall schedule a public hearing in relations thereto; at least 15 days notice of the time and place of such hearing shall be published in newspapers of general circulation in the Town."

- The Zoning Ordinance establishes specific review periods in which the Planning Commission may act on an application. A complete application is required to trigger these time frame requirements. The Zoning Administrator and/or Town Administrator is responsible to determine completeness of application. To be considered complete, an applicant must, at a minimum, submit the information required in the Zoning Ordinance (See Appendix A of the Zoning Ordinance for a checklist of required information) In fairness to the applicant, once the application has been deemed complete these review periods should be complied with, to the extent possible. A recommendations should be rendered by the Planning Commission as follows:

***Special Exception application*** - within 45 days of receipt of the application by the Zoning Administrator (See Article IV, Section 60).

***Zoning Amendment*** - Within sixty (60) days from the Planning Commission's final hearing on the application, the Planning Commission shall transmit the application to the Town Council together with its recommendations for approval or disapproval. The Planning Commission shall concurrently transmit this information to the applicant (See Article XVIII, Section 317).

- Zoning map amendments or reclassifications require the Planning Commission and the Mayor and Council to make specific findings. The requirements for reclassification are established in Article 18, Section 319 and in Article 66B, Section 4.05, Annotated Code of Maryland. A zoning map amendment may only be granted based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification ("change or mistake rule").

*When considering a proposed change of land use management classification in the Critical Area the Town Council may not approve an amendments unless it is found that there was a mistake in the original classification.*

### NOTES TO THE BOARD OF APPEALS

#### JOB DESCRIPTION

Article III, Section 29 of the Zoning Ordinance establishes the powers and duties of Board of Appeals. They are to hear and decide:

- Appeals from any order, decision, requirement, or interpretation made by the Zoning Inspector.
- Applications for Special Exception Uses.
- Applications for variances.

- Questions involving interpretations of the zoning map, including disputed district boundary lines and lot lines.
- Any other matter the Board is required to act upon by any other Town ordinance.

The Board of Appeals cannot grant zoning map or zoning text amendments under the categories of appeals or variances. These are legislative functions that are the responsibility of the Mayor and Council.

Because of its quasi-judicial nature, it is important that the Board of Appeals observe procedural requirements established Articles IV, V and VI of the Zoning Ordinance. This includes keeping a transcripts of all proceedings and minutes showing the vote of each member upon each question.

### HELPFUL HINTS

The following guidance to the Board of Appeals is provided to insure that their decisions reflect the spirit and intent of the Zoning Ordinance and “fairness” to the public and the applicant:

- Article IX, Part III, Section 131 states, “no development or resource utilization activity shall be permitted until the applicable Town's approving authority, i.e., Planning Commission, Board of Appeals or Town Commissioners shall make specific findings that the proposed development or activity is consistent with the goals and objectives of the Chesapeake City Critical Area Program.” In every application involving development the record should specifically include a statement that the Board made (or did not make) this finding.

- **Variances** - Variances and the criteria for granting them are strictly defined in Section 72. The record of the Board of Appeals decision of a variance request should address each of the specific findings criteria listed in Section 72. This includes special findings requirements for variances in the Critical Area District. In granting variances, the Board of Appeals may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties. Each of these conditions of approval should be spelled-out in the record of the Board of Appeals and decision notice that is sent to the applicant. If conditions require posting of a bond or other security, notice of this requirements should be sent to the Mayor and Council as they are the ones who will hold the security and the Planning Commission as any related approvals or permits should be pending posting of security. In addition, if a variance is for a limited time, the Zoning Administrator should be informed. Finally, the Board of Appeals should notify the Critical Area Commission of any variance request in the Critical Area at least two (2) weeks prior to the hearing date.
- **Special Exceptions** - In addition to the general standards for approval of a special exception contained in Article IV, Section 63, some special exceptions have additional standards attached that are included in Article XI, Supplemental Regulations. The record of the Board of Appeals deliberations should address the general standards for approval as well as these supplemental standards.

NOTES TO THE PUBLIC AND DEVELOPERS

- Notice of public hearing requirements are specific and can be the basis for having a decision overturned in Court. The Board of Appeals is required to conduct a public hearing for all of its actions. Notice of public hearing by the Board shall be given at least fifteen (15) days in advance of public hearing. Notice of such hearings must be posted on the subject property and at the Town Office, and notice must be published in a newspaper of general circulation in the Town, at least fifteen (15) days prior to the public hearing. Notice must be given to the appellant or applicant and any other person who makes a written request for such notice by mailing to such persons a written notice before the hearing. The notice must state the date, time, and place of the hearing, reasonably identify the lot that is the subject of the application or appeal, and give a brief description of the action requested or proposed (See Article VI, Section 80).

- The Board of Appeals has time requirements in which it must render a decision on an application. These requirements are as follows:

***Special Exception Application*** - within ninety (90) days of receipt of application from the Zoning Administrator (See Article IV, Section 60)

***Appeals, Variances and Interpretations*** - as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, provide notice in accordance with Article VI, and obtain the necessary information to make sound decisions (See Article V, Section 74).

The Public should be aware of the ways and means in which the Town of Chesapeake City intends to handle and allocate the division and use of land. Information pertaining to pertinent land issues and the corresponding local government processes of approval and design can be observed at the regularly scheduled sessions of the Planning Commission and public hearings related to zoning matters periodically conducted by the Planning Commission, Board of Appeals, Historic District Commission or Mayor and Council. The time and date of these public hearings is provided to the general public by the applicable hearing body prior to the hearing. In order for the public to have an effective voice in Town land use policy, it is important for to be aware of these proceedings and to participate in the discussions therein.

As a general rule the public should be aware that no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of lands and buildings except in accordance with all applicable provisions of the Zoning Ordinance and that all land owners are required to get a building permit for any structural erections or alterations. Violations of the Zoning Ordinance carry penalties(footnote). Any question or concerns regarding the use of land or buildings that the general public may have should be directed to the Town Office for information and assistance.

If you own, manage, lease, or control property in the Chesapeake City Historic Area District and plan exterior changes to a structure, or plan to build on such property, there are legal requirements of which you should be aware. The publication,

## CHAPTER THREE ■ THE ZONING ORDINANCE

*Owning Property in the Chesapeake City Historic District, A Guide to Permit Procedures*, prepared by the Chesapeake City Historic District Commission, provides a step-by-step guide for making exterior changes in the Historic Area District. This publication is an informal guide only and does not supersede or change the law as described in the Town of Chesapeake City Zoning Ordinance or the procedures adopted by the Historic Area District Commission. Copies can be obtained from at the Town Hall.

The General Public must also be aware of the immediate and intelligent necessity of preserving and protecting natural resource areas. Measures implemented to achieve this end are extremely important for the future legacy. Sound and intelligent resource protection measures will protect and preserve water quality which is necessary to sustain life and add benefits for the public health, safety, and general welfare. In essence, no entity may develop, alter, or use any land for residential, commercial, industrial, or institutional uses. Furthermore, no entity may conduct agricultural, fishery, or forestry activities in the Chesapeake City Critical Area unless it meets compliance with applicable provisions within the Town's Critical Area Program. Violations carry stiff penalties.

The fundamental ideology surrounding the Chesapeake City Comprehensive Plan is to maintain and enhance Chesapeake City's image as a "quality community." The Zoning Ordinance helps to implement this concept, translating images into specific requirements.

The Zoning Ordinance includes requirements to address many of the components of "quality in design. Article XVII outlines the requirements for screening, shading, and forest conservation.

Article XVI contains requirements for landscaping in parking lots. Requirements for recreational facilities and open space are contained in Article XIII. Environmental protection standards are contained in Article IX, Part III and Article XVII. Mixed-use planned development options are provided for in Article IX. The Subdivision Regulations also contain standards and requirements to ensure new development maintains a human scale, creates a pedestrian friendly environment and maintains the quality image the Town seeks.

# CHAPTER FOUR

## THE SUBDIVISION REGULATIONS

**S**ection 5 of Article 66B, Annotated Code of Maryland sets forth the authority for the Town to regulate the division of land within its corporate limits. Within the context of the Chesapeake City Subdivision Regulations, "subdivision is defined as, *"the division of any tract or parcel of land into two or more plots, parcels, lots, or sites, for the purpose, whether immediate or future, of transfer of ownership or of building development (See Article II for a complete list of definitions).*

The purpose the Subdivision Regulations is to regulate and control the development of land within the Town of Chesapeake City in order to promote the public health, safety, and general welfare and to assure sites suitable for building purposes and human habitation in a harmonious environment. Accordingly, it is a violation of the Subdivision Regulations for anyone to subdivide any lot, tract or parcel of land within the Town unless and until a plat of such subdivision, approved by the Planning Commission and recorded with the Clerk of the Circuit Court, is made in accordance with the Subdivision Regulations. Further, it is a violation of the Subdivision Regulations to transfer, sell or offer for sale any land unless it is approved in accordance with the Subdivision Regulations. Violations of the Subdivision Regulations are subject to a fine of up to five hundred dollars

## CHAPTER FOUR ■ THE SUBDIVISION REGULATIONS

(\$500) for each lot or parcel of land subdivided, transferred or sold.

Review and approval procedures contained in the Subdivision Regulations make a distinction between major and minor subdivisions. The latter involves a less rigorous review process and can be accomplished in a shorter time period.

### MINOR SUBDIVISION

A subdivision is defined as minor if it does not involve any of the following: (1) the creation of more than three (3) lots; (2) the creation of any new public streets; (3) the extension of a public water or sewer system; or (4) the installation of drainage improvements through one or more lots to serve one or more other lots. Procedures and requirements for Minor Subdivision approval are contained in Article III of the Subdivision Regulations.

The minor subdivision category includes resubdivision which includes any modification, division, addition, deletion, or correction which is proposed to a previously recorded lot or lots in a subdivision. Resubdivided lots must meet zoning requirements for setbacks, yard requirements, density requirements, etc.

### MAJOR SUBDIVISION

Article IV of the Subdivision Regulations contains the procedure followed by the developer, the Planning Commission, and the Town staff in preparing, reviewing, and approving a major subdivision.



The primary means of subdivision review is through the consideration of a subdivision plat which contains information at vary levels of detail and accuracy, depending of which stage of review and approval the subdivision is at the time. These plats or plans include the pre-application "concept plan", the general development plan (for large scale developments) the preliminary plat, improvement plans and the final plat. Information required to be shown on concept plans, general development plans, preliminary plats and final plats are contained in Appendix A of the Subdivision Regulations. An improvement plan is a detailed construction plan for public improvements to be developed in conjunction with a subdivision, such as streets (public or private), storm drainage, sanitary sewers, and other public facilities.

The major subdivision process involves several distinct phases. These are as follows:

Pre-Application

During the pre-application stage the applicant meets with Town staff to review proposed subdivision plans. The pre-application conference is an informal review and neither the applicant nor the staff is bound by any determination made therein. Applicants for subdivision may opt to prepare concept plan as the basis for an informal review by the Planning Commission and Technical Review staff. As is the case with the pre-application conference, neither the applicant nor the Planning Commission is bound by any determination made from a concept plan.

The pre-application or concept plan stage is an important one in the subdivision review process because it provides an opportunity to identify potential problems early on. In fact the purpose of the pre-application conference or concept plan is expedite

applications and reduce subdivision and site plan design and development costs.

Preliminary Subdivision Plat

The preliminary plat review stage commences when the staff has determined that an application of preliminary plat review is complete. This determination is made based on the information requirements listed in Appendix A.

Complete applications are then subject to staff review and technical review by the various agencies responsible for any aspect of development approval, e.g. the State Highway Administration is responsible for access permits from any state road. Staff review will determine if the proposed subdivision is in conformity with the Comprehensive Plan, the Chesapeake City's Critical Area Program, as applicable, the requirements of the Zoning and Subdivision Regulations, and any recommendations of other Federal, state and County agencies. This review process should take about fifteen (15) working days.

Review of the preliminary plat occurs at a scheduled meeting of the Planning Commission. The Planning Commission may approve the preliminary, require revisions, or disapprove a preliminary plat. The Planning Commission review will include recommendations of the appropriate review agencies, including but not limited to the Cecil County Public Works Department, the Maryland State Highway Administration, and the Health Department, as applicable. Within 90 days of its filing, the Planning Commission will approve, conditionally approved, postpone or disapproved any preliminary subdivision plat.

“*Approval*” means that the developer is authorized to proceed with the preparation of the required "improvement" plan. “*Conditional approval*” means the developer may proceed with preparation of the "improvement" plan, but only after the preliminary plat has been corrected to reflect all requirements placed on the plat by the action of the Planning Commission. Actual approval of the Preliminary Plat will not be made until such conditions have been satisfied. “*Postponement*” means Planning Commission action is delayed for reasons noted. “*Disapproval*” means disapproval of the plat.

#### Improvement Plans

Improvement plans must be prepared and stamped by a registered civil engineer, and fully conform to all applicable Town regulations and the approved preliminary plat. These plans are reviewed by the Planning Commission, staff and/or other agencies. Within 120 working days the developer will be notified in writing of the approval, conditional approval, or disapproval of the plan. *Approval of improvement plans* means the developer is authorized to proceed with preparation of the final plat. *Conditional approval of improvement plans* means the developer may proceed as described above for "approval", but only after the required copies of the corrected improvement plan have been submitted to the Planning Commission. Improvement plans not fully corrected within ninety (90) days will be deemed as disapproved. *Disapproval of improvement plans* means disapproval for the reasons stated in the notification by the Planning Commission.

#### Final Plat

The final plat is the culmination of the subdivision process and becomes the official record of the division of land within a development. Final plats will be approve or disapprove a final

plat within ninety (90) days of the date they are officially filed for Planning Commission action. *Approval of the final plat* means the final plat is ready to be approved by the Planning Commission, with no further corrections or revisions of the plat required by the developer. Conditional approval of the final plat means the final plat cannot be approved by the Planning Commission until the developer has complied with the conditions of approval set forth in the Planning Commission's action on the plat. *Disapproval* means disapproval of the final plat.

An approved final Plats must first be signed by the Health Department and then the Chairman of the Planning Commission and recorded as directed by this regulation. Improvement plans must be signed by a representative of the various agencies.

All public improvements to be installed by the developer must be bonded. Recordation of the final plat may not take place until a Public Works Agreement and a signed letter of credit is posted with Mayor and Council.

#### SUBDIVISION DESIGN

The Subdivision Regulations include design requirements for new subdivisions. Article V sets forth general design requirements that outline the basic and minimum design and improvement standards required as a pre-condition to development of any property or in conjunction with the development for lots, streets, utilities, and other physical elements in a subdivision. A major direction of this Article is to promote development that is most harmonious with the existing environment while providing guidelines and standards to protect the public health, safety, and welfare. Article VI provides more detailed design standards, primarily for vehicle and pedestrian movement.

# CHAPTER FIVE

## DESIGN GUIDELINES

### INTRODUCTION

**T**he Zoning Ordinance and Subdivision Regulations establish minimum standards for, among other things, site development and the subdivision of land. These standards alone will not be enough to ensure the future vision for Chesapeake City is realized.

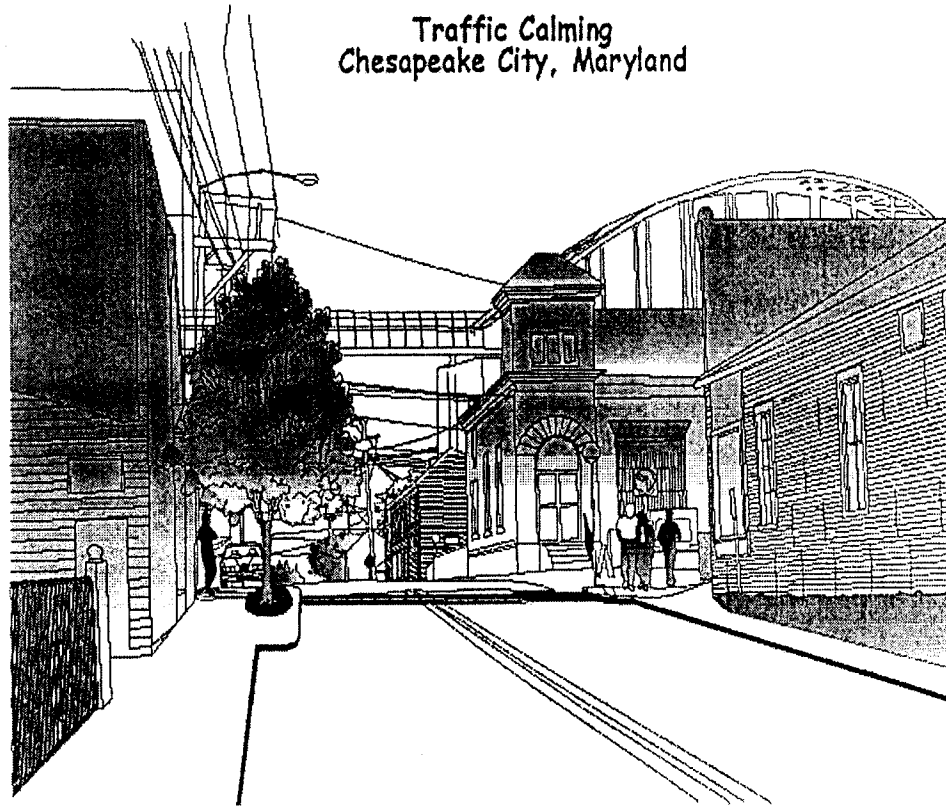
Regulations alone will not achieve the design objectives the Town has established. Developers play a key role in ensuring that what is planned and built results in “quality” and thus enhances the overall community image and provides safe, attractive residential neighborhoods and business/commercial centers. This is only achieved through sensitivity to the overall objectives of the community in the design, construction and maintenance of their projects.

Chapter 5 of this manual is intended to provide design guidance to assist the Planning Commission in the review of site plans, subdivisions and other types of development. These guidelines are also intended to give the developer a better understanding visual and functional objectives the Town wants to achieve in new development. This guidance and accompanying illustrations are intended to assist the developer in the design process by providing examples of the visual and functional elements of

neighborhood design.

Each topic includes a set of design criteria that should be applied by the Planning Commission in the review of major site plans and subdivisions. Criteria provide a description of some aspect of community design that should be considered as the developer goes through the design process and as the Planning Commission goes through the development review process. These guidelines are meant to be supplement to the design standards and requirements of the Zoning Ordinance and Subdivision Regulations.

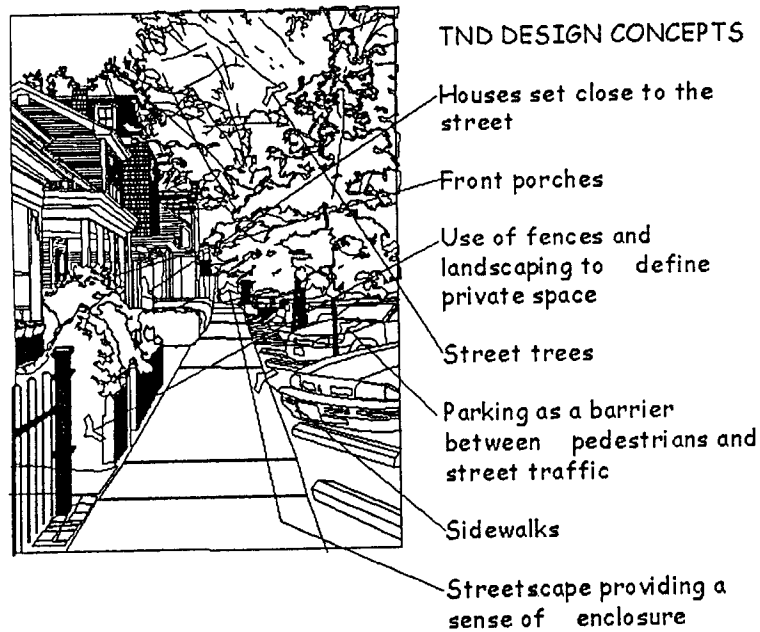
**Traffic Calming**  
Chesapeake City, Maryland



## THE COMMUNITY CONTEXT

The community context is the most important preliminary consideration in the development design process. It is here that the first steps are taken to design a framework a proposed new development that is sustainable, safe and stimulating. In designing a concept of a new residential neighborhood it is important to first identify the main local features, including landscape, views, movement patterns, and activity centers around which the neighborhood will be built to insure a sense of identity in the community.

From this flows decisions about the major street network, open space, pedestrian and cycle paths. These linkages are important

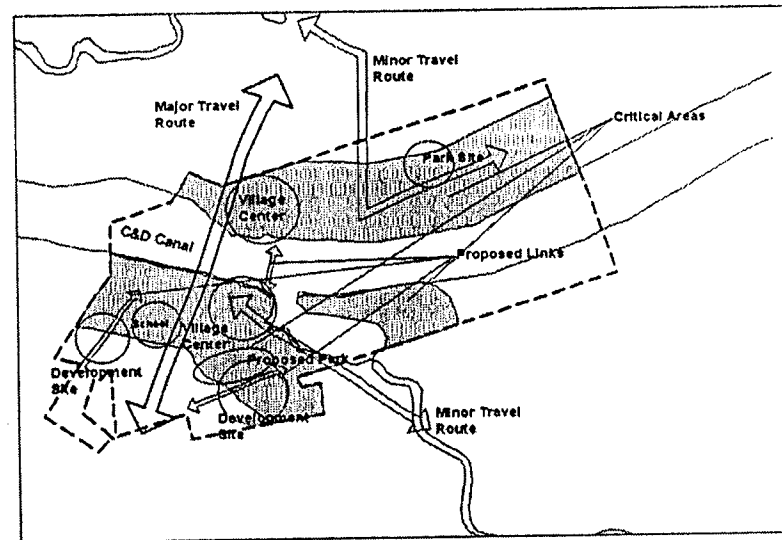


Look to the existing neighborhoods for design principals

for creation of neighborhoods that are safe and convenient. The relationship between demand and infrastructure capacity should also be considered at this stage.

It may help the developer to understand Chesapeake City's objectives for neighborhood design. First, the Town wants residential areas that are in character with the existing village center. Look to the existing neighborhoods to get a sense for how new neighborhoods should look and feel. In most cases this means applying traditional neighborhood design principals.

Residential neighborhoods should include focal points that give it special character and identity. The existing village centers will serve most new neighborhoods so they should relate to these areas.



The design process begins with community context

Design should incorporate an ecologically sustainable approach to development that minimizes fossil fuel use, protects environmental assets, and provides for reasonably high densities. The movement network should establish good internal and external access for residents, maximizes safety, and minimizes the impact of through traffic. Residential areas should be planned with the diverse needs of the community in mind and provide a wide choice in housing and associated public and commercial uses.

A public space network, including appropriate land for recreation, that can meet the diverse needs of today's residents, and be adapted to the needs of future users should be an integral part of the design. Finally, design must take into account environmental constraints including soil erosion and flooding.

Within the community context development design should proceed as follows:

- 1.1 Analyze the site context and identify major site features.
- 1.2 Determine significant external connections to and from the site.
- 1.3 Evaluate major local movements in and out of the site.

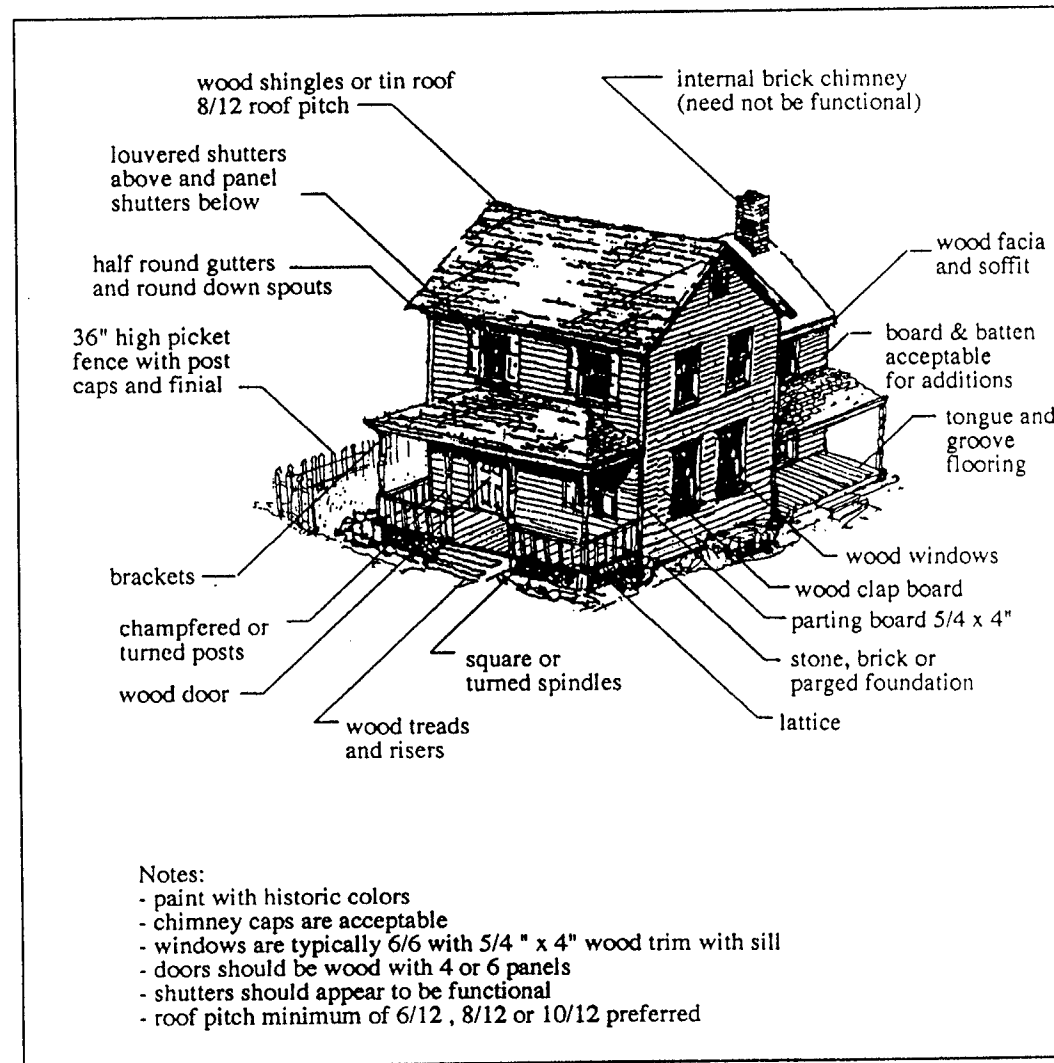
- 1.4 Determine appropriate street connections to facilitate local and external movement and identify major service connections.
- 1.5 Determine the location and nature of features that will give neighborhood focus, identity and convenience (e.g., community facilities, open space areas). Provide neighborhood centers within 1/4 mile safe walking distance and local open space within a 1/8 mile radius.



Identify pedestrian movement patterns

- 1.6 Establish the basic movement network, linking existing streets where necessary and ensuring good local connectivity.
- 1.7 Convert the movement network to a street lay-out to incorporate legibility and traffic safety and to address environmental and town design issues.
- 1.8 Determine broad distribution of lot sizes and housing types.

The community context also includes public policy concerning development. Design must take into consideration the recommendations of the Town, County, State and regional plans for the surrounding community. Of particular importance are the Chesapeake City Comprehensive Plan and the Chesapeake City Critical Area Program.



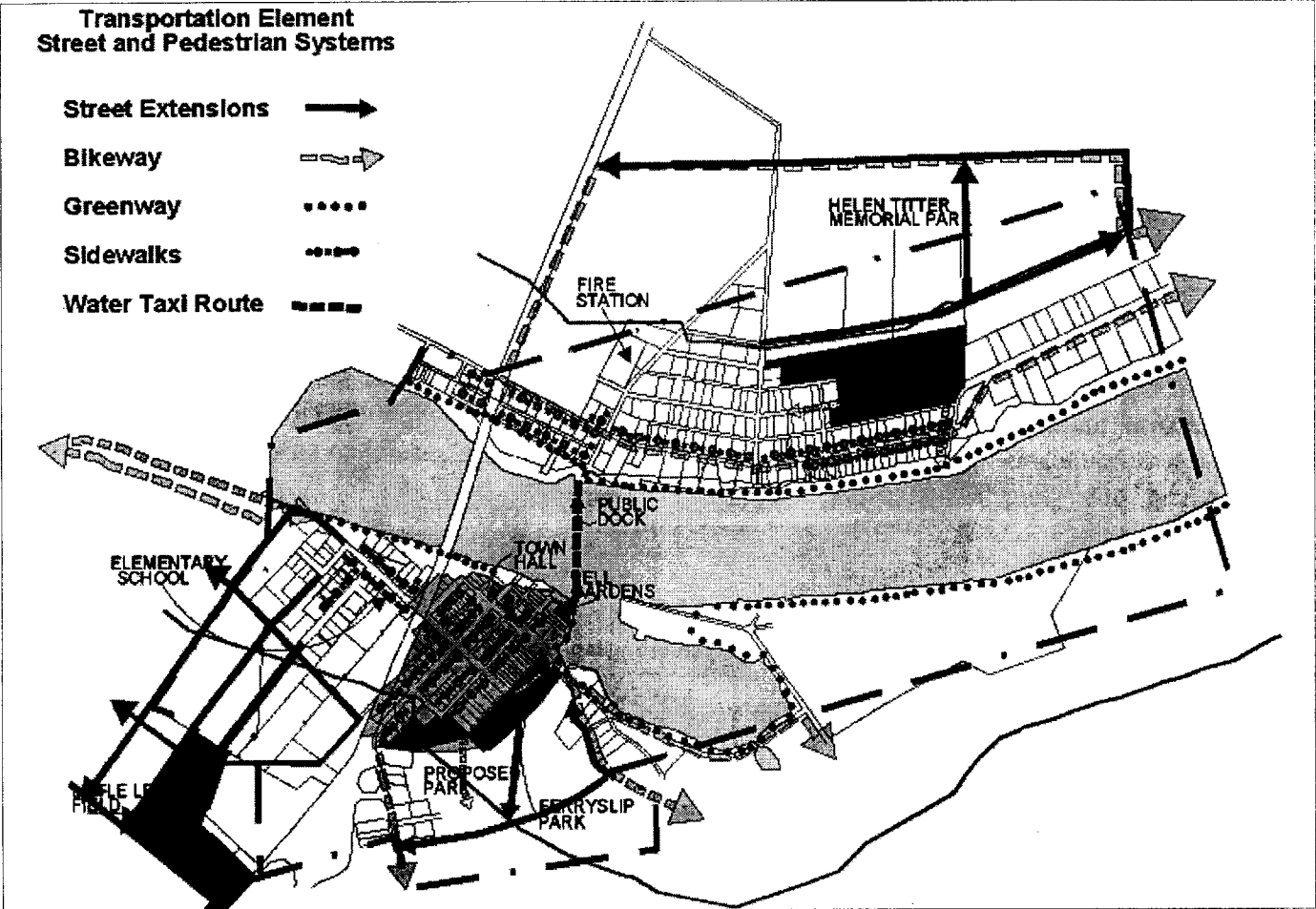
The historic context

# MOVEMENT AND STREET DESIGN

6.1 The arrangement of streets conforms to the Transportation Plan element of the Chesapeake City Comprehensive Plan.

6.2 Street lay-out is simple and has a logical pattern.

6.3 Street lay-out respects natural features and topography.



The Chesapeake City Transportation Plan

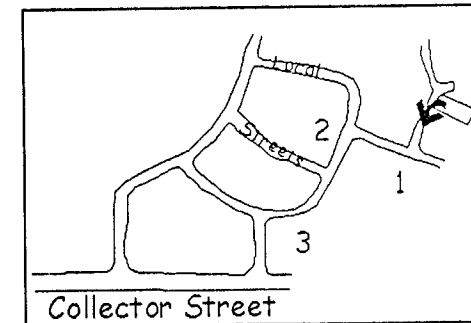
## CHAPTER FIVE ■ DESIGN GUIDELINES

likely to need or desire access to the property in its intended use.

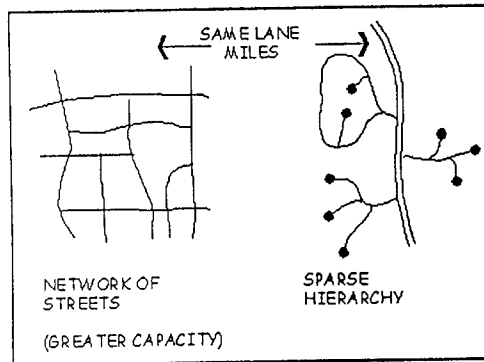
- 6.12 No direct driveway access is provided onto an existing or planned arterial street from a residential lot.
- 6.13 Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling on abutting streets, or interfere with the free and convenient flow of traffic on abutting or surrounding streets.

- 6.14 Sub-collector, local, and local-minor residential streets connect with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons.

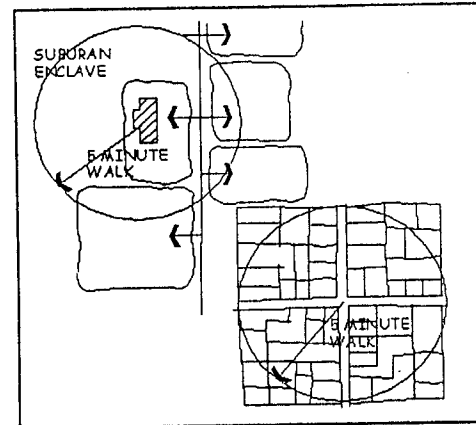
- 6.17 Residential streets are designed to manage the speed and volume of traffic in residential neighborhoods using "traffic calming" method that encourage speeds of 25 mph or less.



No more than 3 turning movement at intersections between any address and the nearest collector street. Design and other features should enhance legibility.



A network of streets has a greater capacity with the same amount of lane mile.

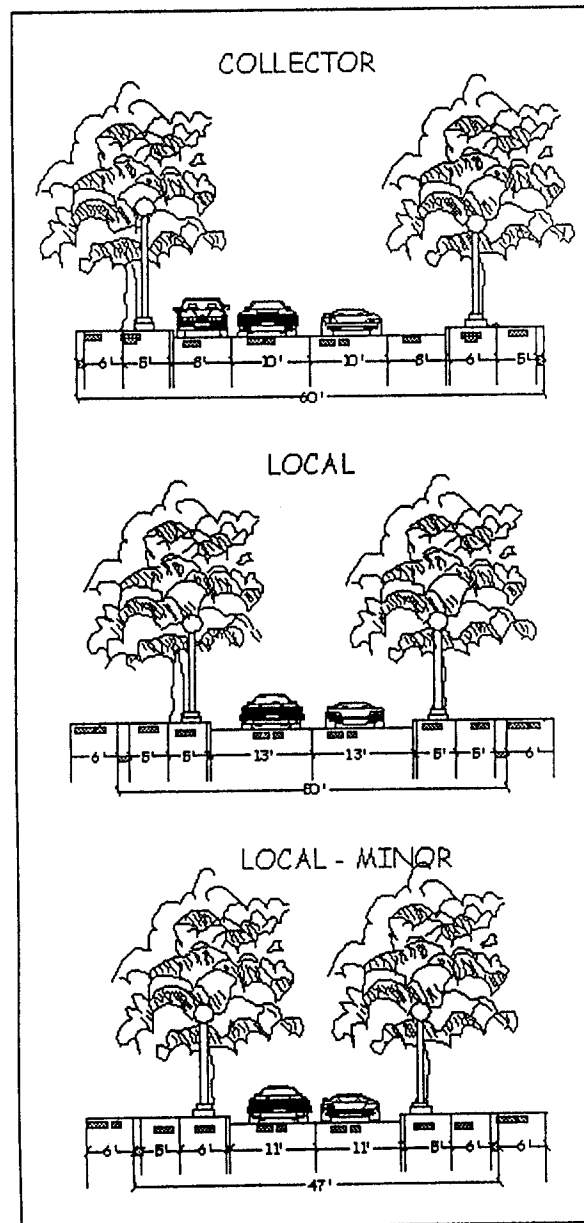


Residents can reach more destinations on foot in a network of blocks.

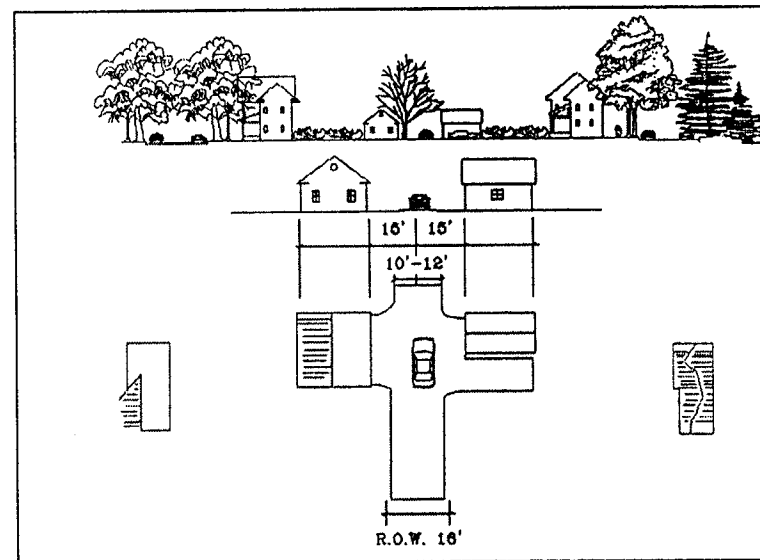
- 6.4 Street lay-out presents an attractive streetscape.
- 6.5 Street layout serves the needs of the neighborhood and discourages use by through traffic.
- 6.6 Street lay-out permits the safe, efficient, and orderly movement of traffic.
- 6.7 Proposed new streets provide for the appropriate extension of existing streets.
- 6.8 Residential streets are arranged to discourage through traffic and to provide for maximum privacy.
- 6.9 Streets are classified in a street hierarchy system with design tailored to function.
- 6.10 Every lot is afforded a reasonable means of ingress and egress for emergency vehicles as well as for all those



## CHAPTER FIVE ■ DESIGN GUIDELINES



- 6.18 Streets are related appropriately to the topography and are designed to facilitate the drainage and storm water runoff.
- 6.19 Street rights-of-way are adequate to serve all functions including to carry motor vehicle, bicycle and pedestrian traffic, allow on-street parking, serve as a link in the town's drainage system.
- 6.20 All streets are constructed with curb and gutter.
- 6.21 Streets avoid disturbance to Habitat Protection Areas.



Alleys should be a consideration in street design

**Traffic Calming** The design of residential streets should discourage motorists from traveling above the intended speed and reflect their function in the street network. In particular, horizontal and vertical alignment should not be conducive to excess speed. Limit leg lengths and provide “slow points” at the end of each leg. Slow points may be provided by a variety of mechanisms termed “traffic calming” techniques.

**Maximum Intended Speed and Leg Length**

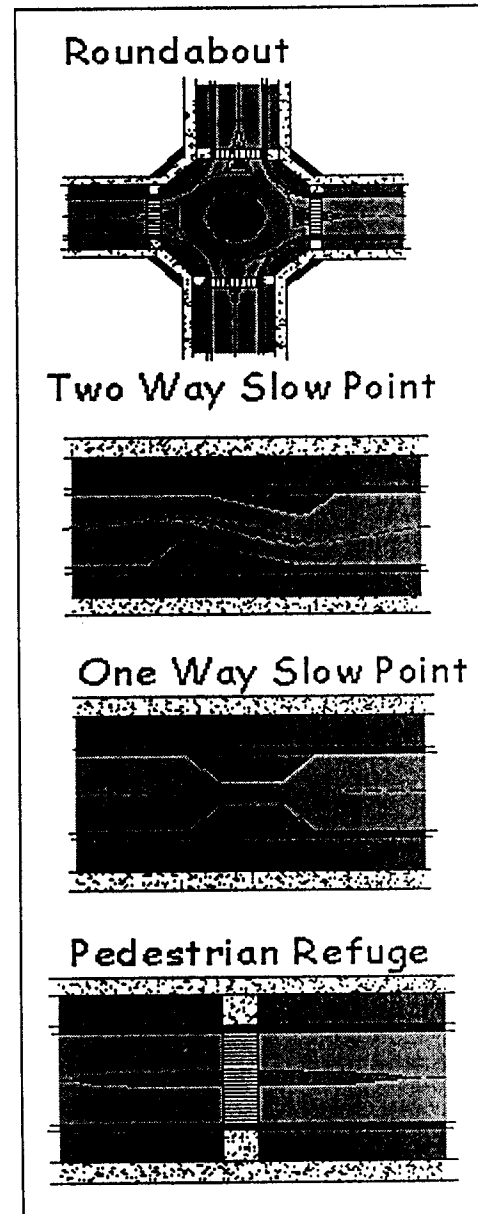
Street Type	Maximum Intended Speed	Maximum Leg Length (ft.)
Local - Minor	20 mph	225' - 325'
Local	25 mph	225' - 400'
Collector	30 mph	400' - 500'

Physical traffic calming devices include retrofitting streets with slow points, speed humps and speed bumps, chicanes (devices that cause a driver to move left/right as they travel along the street), and roundabouts (mini-roundabout that physically forces motorists to slow down to 10 to 15 MPH). More extreme examples are street closures or restricted access.

Three simple techniques can prevent the need for retrofitting of traffic calming devices:

1. Planning for mixed-use developments that are serviced by a fine-grained road network of narrow streets.

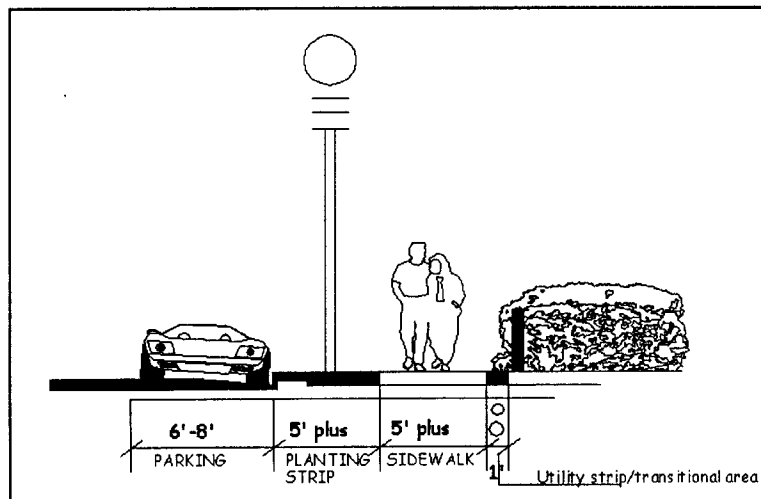
2. Keep the streets to less than 1/3 mile in length, so that motorists will have no incentive to speed.
3. Design the majority of roadways to utilize “T” intersections, or control 4-way intersections with roundabouts.



Traffic calming techniques

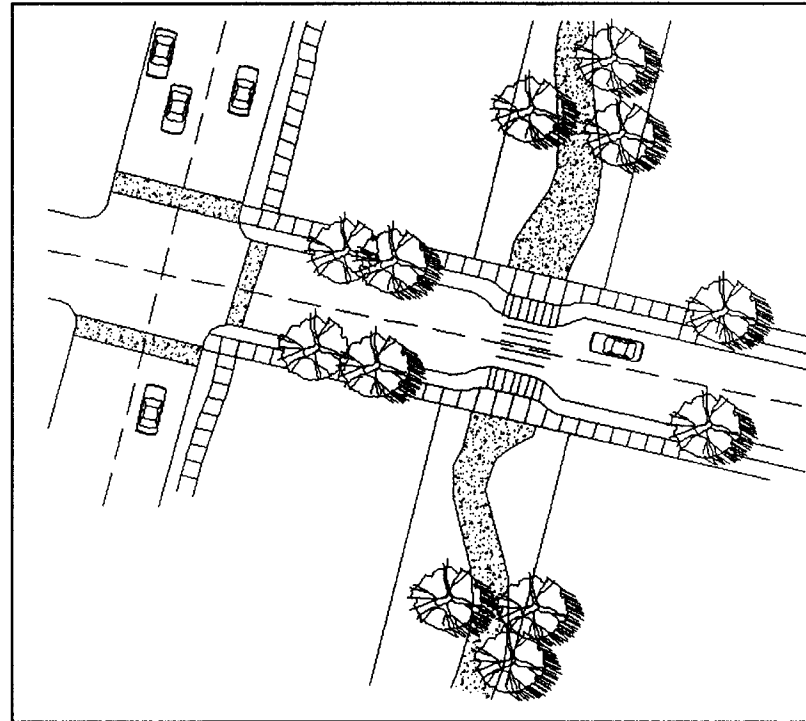
# PEDESTRIANS AND CYCLISTS

- 7.1 A network of pedestrian and cycle paths is provided in accordance with adopted state, county and town walking trail, greenway or bicycle plans.
- 7.2 Pedestrian systems are located for safety.
- 7.3 Side walks are placed parallel to the street, except where permitted to preserve natural features or to provide visual interest.
- 7.4 Sidewalks are at least five feet in width.
- 7.5 Pedestrian access from the residential areas is provided to schools, parks, playgrounds, or other roads or facilities, including consideration for off-site improvements if required.



Sidewalks at least five feet in width.

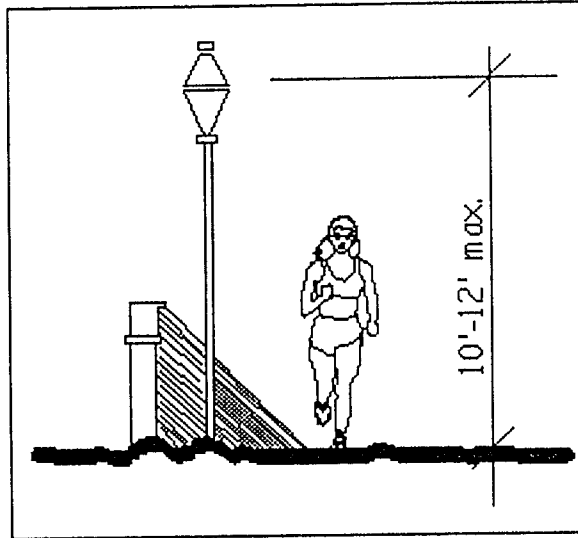
## CHAPTER FIVE ■ DESIGN GUIDELINES



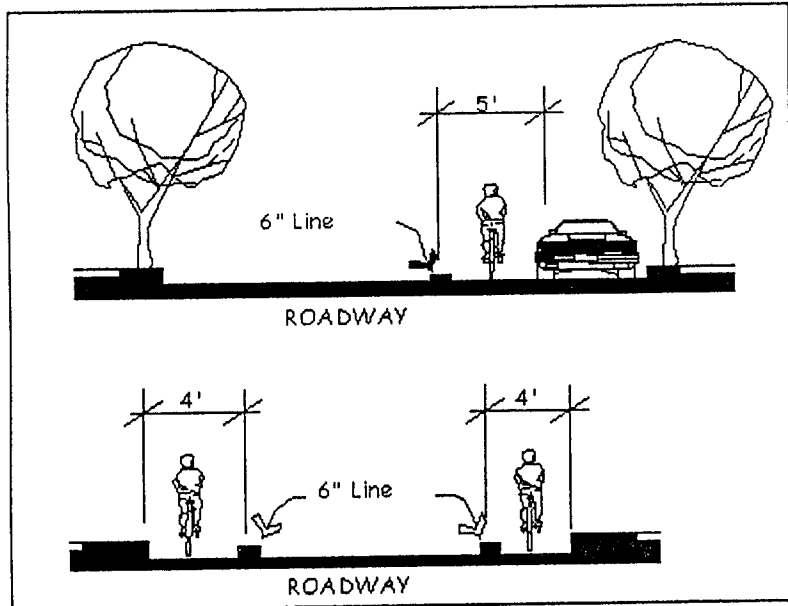
Move heavily used bike crossings away from intersections whenever possible. A separate mid-block crossing improves bicycle flow and is generally more attractive. Narrowing of the street also slows traffic in the area of the bike crossing.

- 7.6 The design of the street network incorporates pedestrian use of street pavements on local access streets.
- 7.7 Pedestrian paths are located to take into account pedestrian amenity, sun and shade, postal deliveries and likely use patterns.

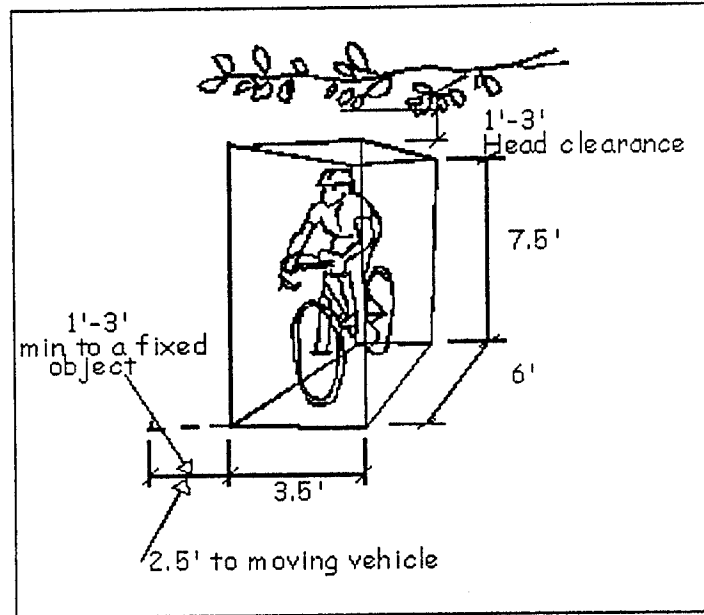
- 7.8 Pedestrian paths are located so as to provide a separation from the street pavement unless vehicle volumes are low and site constraints exist which require footpaths to abut curbs.



Pedestrian paths provide room for and include amenities.



Bicycle paths along the street should be a minimum of 4 feet wide and 5 feet wide near parked cars.



Bike paths should be safe for use by all residents.

- 7.9 The residential street network provides a network of low volume, low speed routes for cyclists, to promote the use of such streets for on-pavement cycling to daily activities. Design of street pavements facilitates cycling.
- 7.10 Design of foot paths or shared paths are constructed with a durable, non-skid surface, and are of sufficient width and strength to accommodate projected user types and volumes, and to facilitate ease of use by the disabled, aged and very young.

7.11 The alignment of paths allows for safe and convenient use by pedestrians and cyclists, varies to preserve trees and other significant features, and focuses on vistas and landmarks to add visual interest where possible.

7.12 Widening of paths is provided at meeting points or junctions on high use facilities to allow for passing of pedestrians/cyclists, and provision are made for the location of seats at appropriate locations.

7.13 Pathways connect residences to public, recreation, transit and commercial facilities.

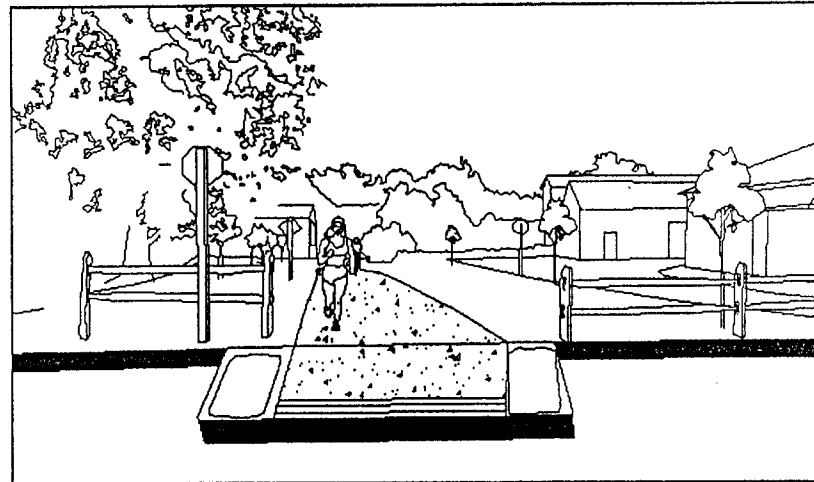
7.14 Paths or trails connect through open space systems by sidewalks.

7.15 Landscaping and pedestrian facilities are incorporated into the pathway system.

7.16 Lighting is scaled to the pedestrian.

7.18 The following design criteria are considered for pedestrian paths:

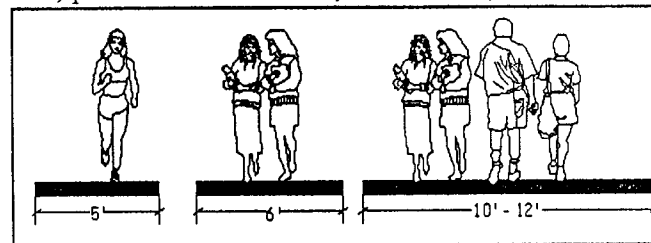
- A minimum of five foot wide sidewalks on local streets with low pedestrian volumes;
- A six foot wide pathway will allow a couple to walk comfortably abreast and is suitable for collector streets;
- An eight foot wide pathway will accommodate pedestrian traffic of at least 1,000 persons per hour and is suitable for the heaviest use recreation trails;



Bulb outs at pedestrian crossing permit better visibility of approaching traffic.

- A pedestrian path of 10' to 12' can accommodate a group of people walking two abreast and will allow a couple to pass each other. A 12' walk is appropriate adjacent to shops and transit stops. A path near a major park feature, commercial center or transit stop should be at least 12' wide.

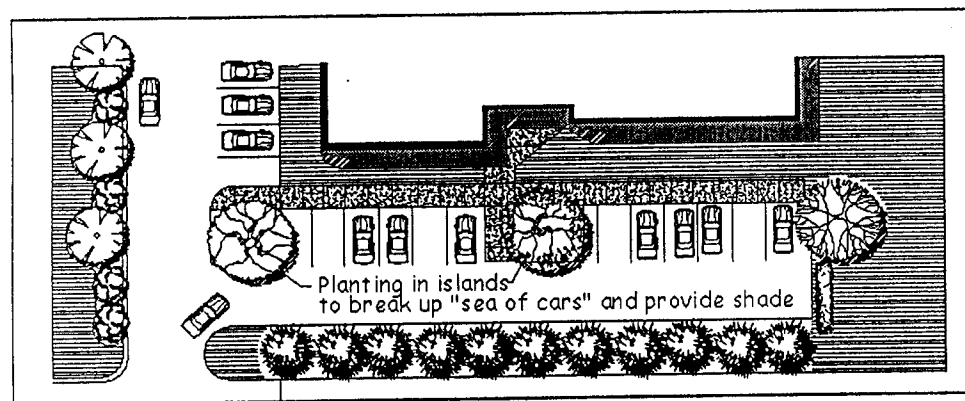
7.19 Pathways include a planting or buffer strip to separate pedestrians from the street and provide room for street light poles, pedestrian amenities, street trees, etc.



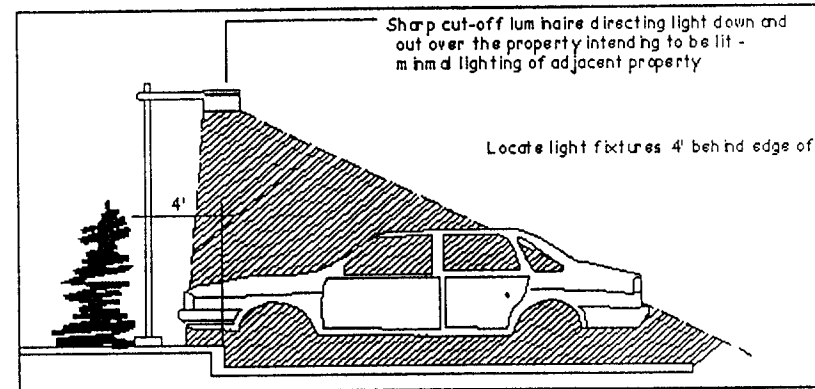
Pedestrian paths are sized to meet expected demand.

# VEHICLE PARKING

- 5.1 Resident and visitor parking is provided according to the projected need.
- 5.2 On-street parking slows vehicle speeds and enhances the pedestrian environment.
- 5.3 On-street parking does not restrict the safe passage of moving vehicles and the maneuvering of vehicles to and from driveways.
- 5.4 Garages and carports are located and designed to maintain streetscape amenity, complement the dwelling design and allow surveillance of the street from within dwellings.

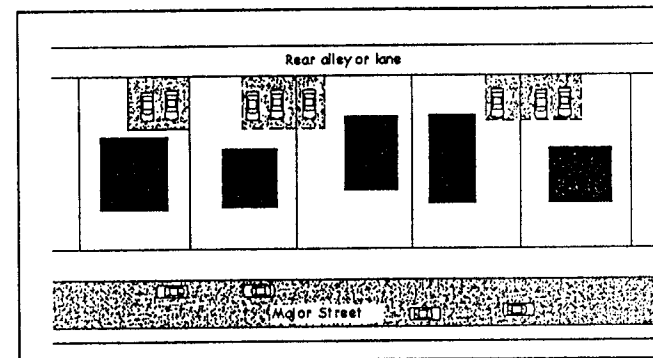


Property line landscaping is provided

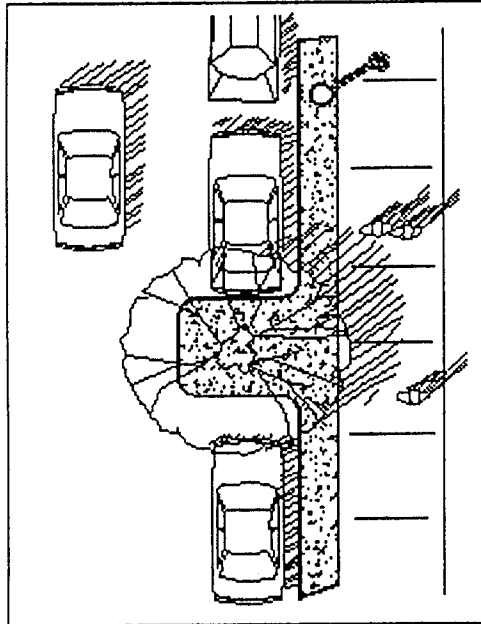


Lighting is directed away from adjacent properties

- 5.5 Vehicle crossovers are designed to allow efficient access to and from driveways, taking into consideration the width of the street.
- 5.6 Landscape design reduces the visual and environmental impacts of large expanses of parking areas by breaking up of paved parking areas with plantings.

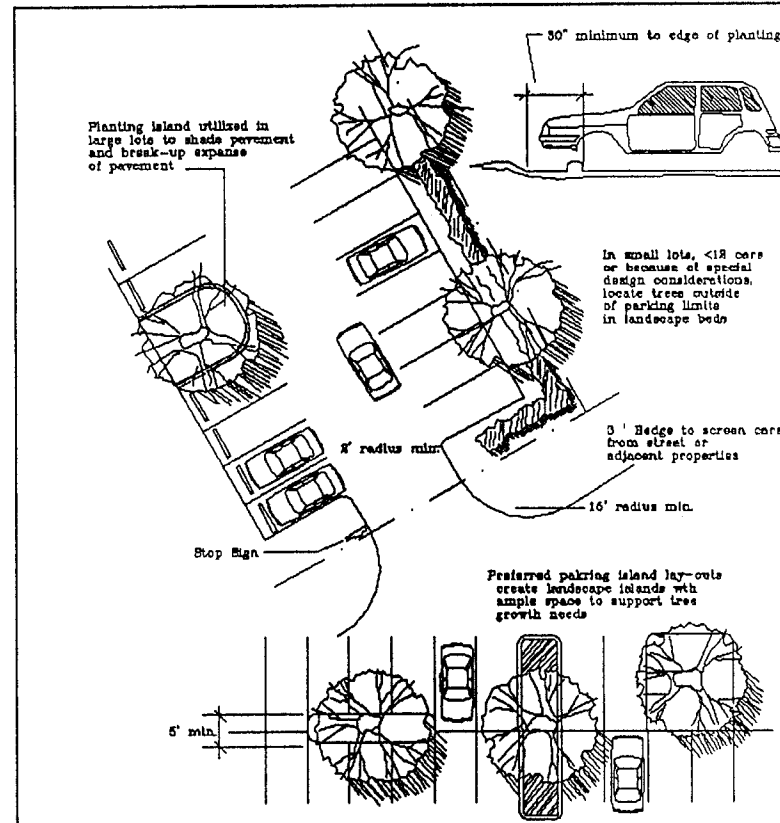


Safe access to parking is provided

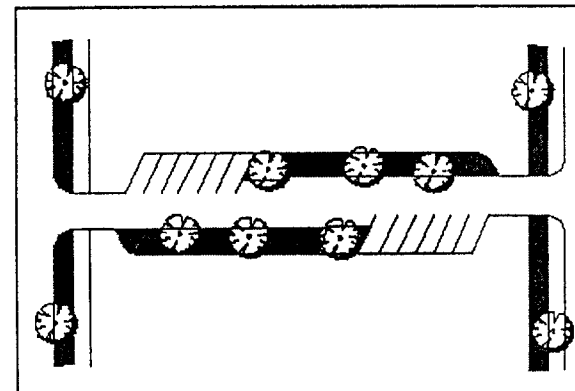


Alternate on-street parking with tree planting beds to retain smaller width right-of-way for utilities

- 5.7 Property line landscape buffers are provided between adjacent land uses.
- 5.8 Interior landscaping is provided in addition to required perimeter landscaping.
- 5.9 Interior landscaping is contained in peninsulas or islands.
- 5.10 Service structures are fully screened.



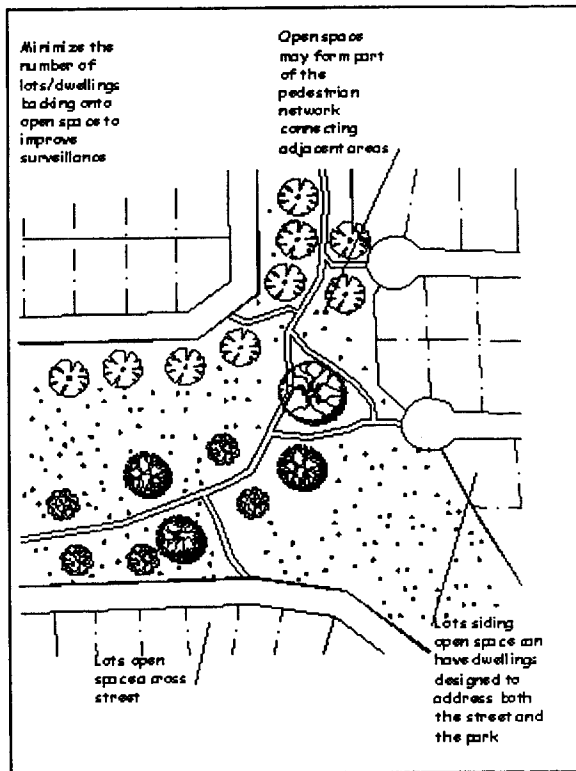
Interior landscaping for parking lots



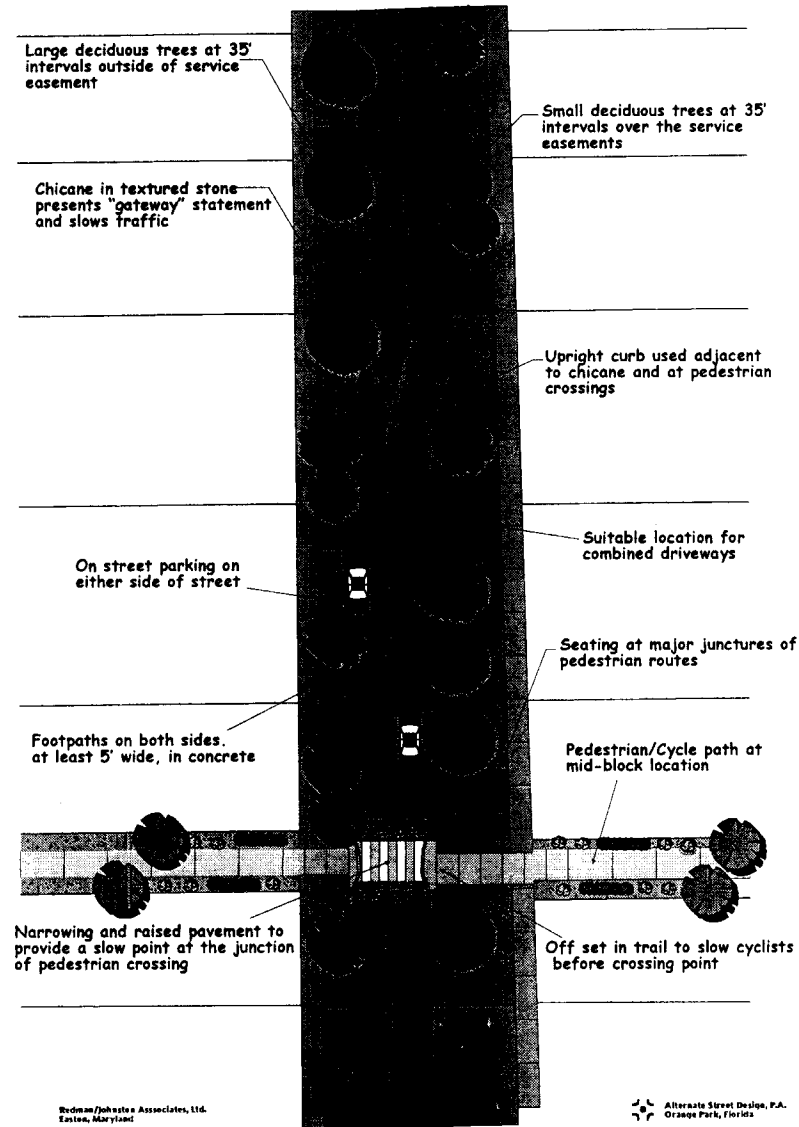
Alternative street design - flexibility for on-street parking

# STREETSCAPE

- 10.1 Street trees are provided in accordance with Article XVII of the Zoning Ordinance.
- 10.2 Street right-of-way along with dwelling fronts and front gardens create an attractive streetscape and establish a clear character and identity for the street in the neighborhood.



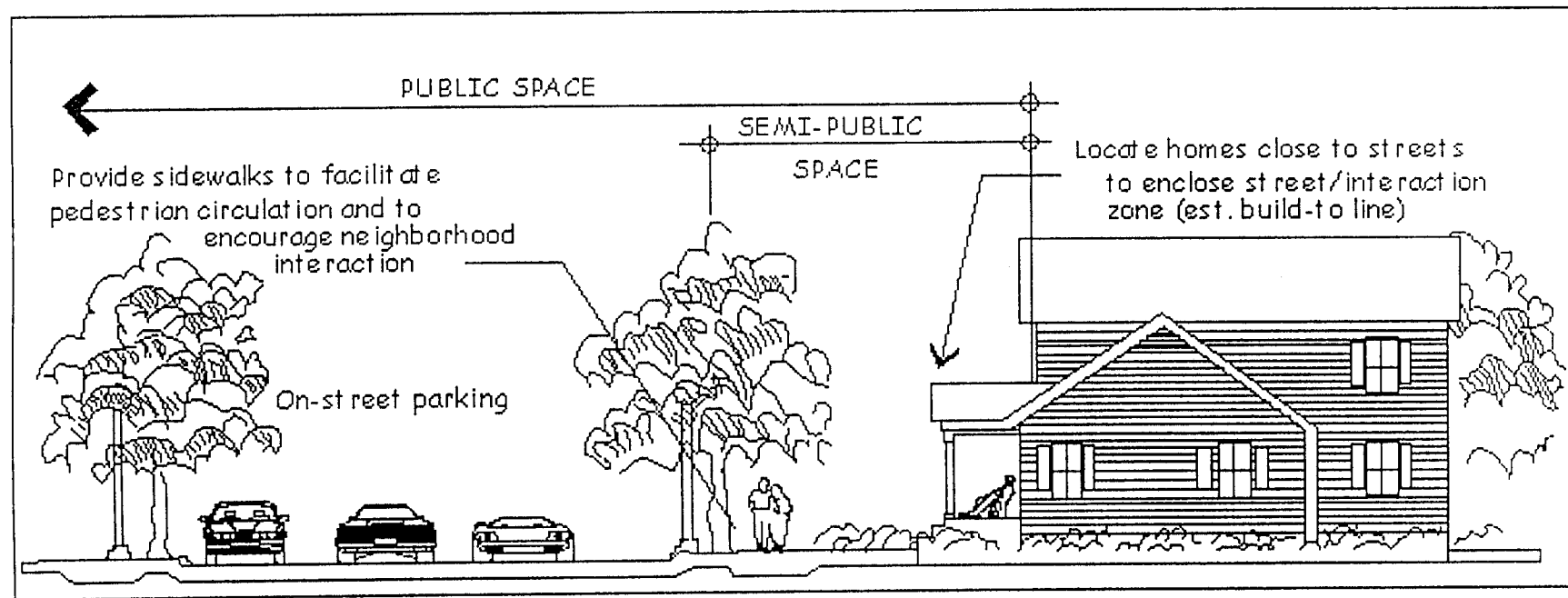
Surveillance and security are streetscape considerations





- 10.3 Walking, cycling interaction between residents and other appropriate community functions is encouraged.
- 10.4 Informal surveillance of the public space is possible from within the dwellings.
- 10.5 Speed and the behavior of traffic will be in accord with the street type.
- 10.6 Views, vistas, existing vegetation and landmarks are appropriately incorporated.
- 10.7 Street right-of-ways are adequate for the proposed pavement, plantings (including larger areas for large deciduous trees), drainage and services.

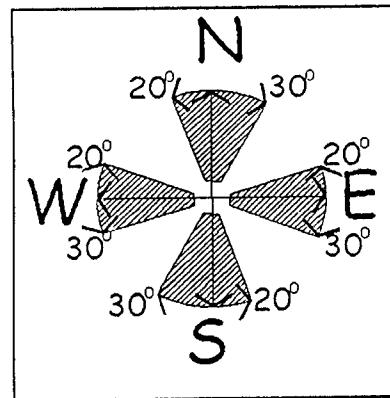
- 10.8 Location and detailing of pavement, parking bays, bus stops, curbs, footpaths, cycle paths and speed control devices are appropriate.
- 10.9 The location and design of garages, carports and parked cars minimizes detriment to streetscape amenity and to personal security and surveillance, and does not dominate the view of the dwelling from the street.
- 10.10 Fences in the frontage are of a height and design that takes into account the amenity of the street, surveillance and safety, the security of children and pets and property, and the use of the front yard as garden space.



# LOT SIZE AND ORIENTATION

The following are review guidelines for the Planning Commission to utilize in evaluating residential lot and unit lay-out. Commercial and industrial developments should be designed according to the same principles governing the design of residential developments; namely, buildings should be located according to topography, with environmentally sensitive areas avoided to the maximum extent practicable; factors such as drainage, noise, odor, and surrounding land uses are considered in siting buildings; sufficient access is provided; and adverse impacts buffered.

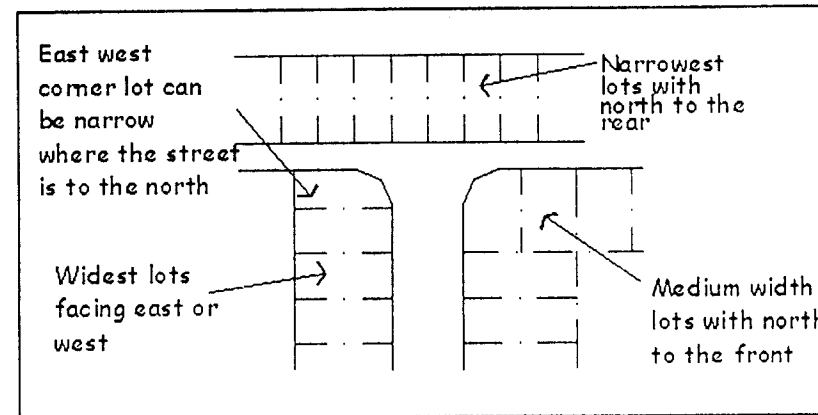
2.1 Lot sizes are arranged to suit a variety of dwelling and household types, with area and dimensions that meet the needs of users.



Orientation for long axis of lots to fall within shaded areas to facilitate siting of dwelling for solar access.

2.2 Lots are oriented to enable microclimate management, including application of energy conservation principles.

2.3 Lots with area and dimensions are sufficient to protect environmental features and take into account constraints.



Vary in lot widths to maximize solar access for different lot locations.

2.4 Lots are arranged in a manner that enhances personal and property safety and security

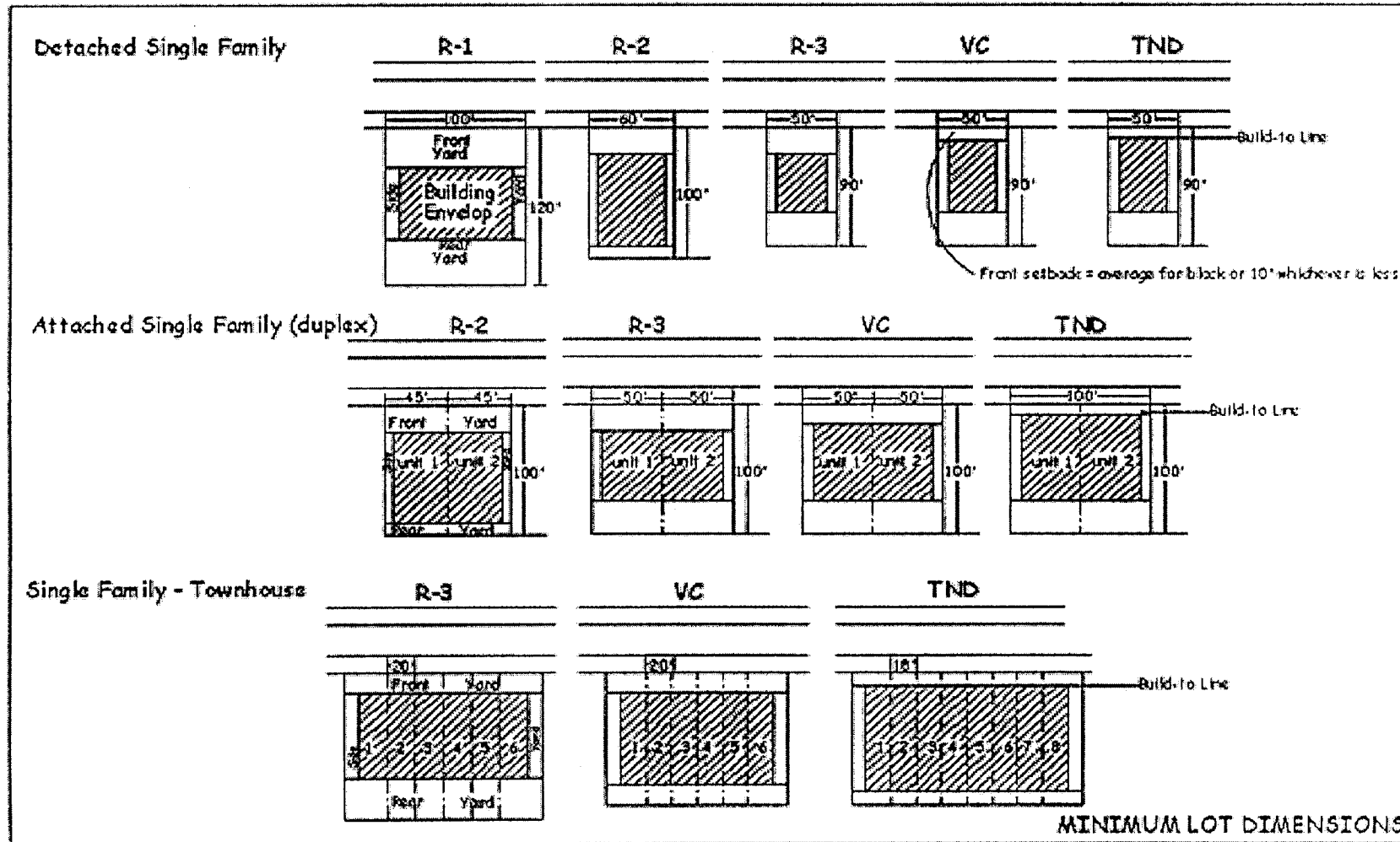
2.5 Lots front on residential access or sub-collector streets, not on collector or arterial streets or roads.

2.6 Lots have sufficient access to it for emergency vehicles, as well as for those needing access to the property in its intended use.

2.7 Placement of units takes into consideration topography, privacy, building height, orientation, drainage, and aesthetics.

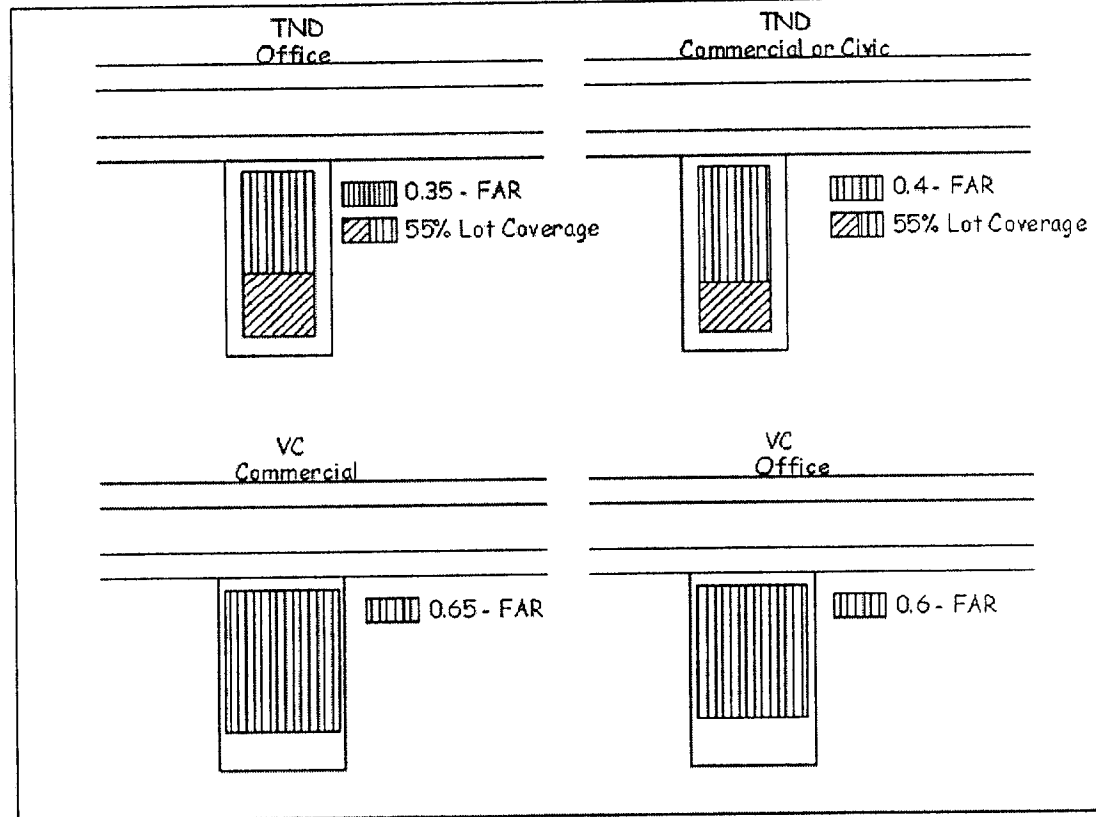
2.8 Structures are located and sited to facilitate pedestrian and visual access to common open space.

2.9 Individual lots, buildings, and units are arranged and situated to relate to surrounding properties, to improve the view from buildings, and to lessen areas devoted to motor vehicle access.



Minimum lot sizes can be found in Article XII of the Zoning Ordinance

- 2.10 Lots, buildings, units, and parking areas are situated to avoid the adverse effects of shadows, noise, and traffic on the residents of the site.
- 2.11 Residential blocks 200 to 400 feet in length.
- 2.12 Solar access and conservation of energy is maximized.
- 2.13 Lot proportion of 2.5 to 1 for lot widths of 60 feet or greater with the lesser dimension fronting on the street.
- 2.13 All lots abut an approved public street.
- 2.14 Lot areas and minimum building setback lines meet the minimum standards required by the Zoning Ordinance.



Commercial intensity measures